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Office of the DJAG,
General Headquarters,
Far East Land Forces.
c/o G.P.O. SINGAPORE,
MALAYA.

Tel: 5341 Ext 308

BM/JAG/65308

3rd May '48

A G 3.

(1)

War Criminals

I forward herewith for review the proceedings of the trial by Military Court of Lieut. Gen. ITO Takeo of the Imperial Japanese Army, attached 2 Buffs. Details of the trial are shown on the attached form.

N.Y. N.Y.
Colonel,
DJAG, Far East Land Forces.
NHN/RRH.

(2)

No. 50203 793.
Date. 5 May 48

DJAG

No action
~~The following action~~ } has been taken.

Serial No. 292.

Bartholicks wife
Lt-Colonel,
A.A.G. GHQ FARLEF.

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MILITARY COURT FOR THE TRIAL OF WAR CRIMINALSACCUSED

Lieut Gen. ITO Takeo of the
Imperial Japanese Army, attached
to 2 Buffs.

PLACE AND
DATE OF TRIAL

Hong Kong. 19th, 20th, 21st, 22nd, 23rd, 24th,
26th, 27th, 28th, 29th, 30th Jan
and 6th, February 1948.

COURT CONVENED BY

Commander Land Forces, Hong Kong.

PRESIDENT

Lt-Col. P. WARWICK. R.A.S.C.
(Barrister-at-law).

MEMBERS

Major. V.E. HOWSE. King's Own.
Capt. J. BENYON. R.E.

CHARGE

See attached Charge Sheet.

PLEA

Each charge - Not Guilty.

FINDING

1st & 2nd Charges - Guilty.
3rd & 4th Charges - Not Guilty.

SENTENCE

9th Feb '48. 12 years Imprisonment.

CONFIRMED

14th Apr '48. By Commander Land Forces,
Hong Kong.

PROMULGATED

19th Apr '48.

REMARKSDISPOSAL OF
PROCEEDINGS

To AG3 GHQ FARELF 3rd May '48.
JAG of the Forces _____

DJAG GHQ FARELF
Case No. 65308 JAG.

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CHARGE SHEET

The Accused

LT. GEN. ITO Takeo
Of the Imperial Japanese Army
attached to
is charged with

1st CHARGE

COMMITTING A WAR CRIME

In that he

At Hong Kong, between the 17th and 31st December 1941, as Commander of the 38 Infantry Unit of the 38 Division, was, in Violation of the Laws and Usages of War, concerned in the killing and ill-treatment of Allied POWs. and Surrendered Personnel by the Members of Units under his Command.

2nd CHARGE

COMMITTING A WAR CRIME

In that he

At Hong Kong, between the 17th and 31st December 1941, as Commander of the 38 Infantry Unit of the 38 Division, was, in Violation of the Laws and Usages of War, concerned in the killing and ill-treatment by Members of Units under his Command of wounded and sick Members of Allied Forces that had fallen in their power.

3rd CHARGE

COMMITTING A WAR CRIME

In that he

At Hong Kong, between the 17th and 31st December 1941, as Commander of the 38 Infantry Unit of the 38 Division, was, in Violation of the Laws and Usages of War, concerned in the killing and ill-treatment by Members of Units under his Command of Allied Personnel engaged exclusively in the collection, transport and treatment of the wounded and sick and in the administration of medical formations and establishments.

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4th CHARGE

COMMITTING A WAR CRIME

In that he

At Hong Kong, between the 17th and 31st December 1941, as Commander of the 38 Infantry Unit of the 38 Division, was, in Violation of the Laws and Usages of War, concerned in the illtreatment by Members of Units under his command in the killing and illtreatment of civilian residents of Hong Kong

1947.

Commanding.

.....
(Signature of Convening Officer)

1947.

Commanding.

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Ref: 45278A

H.Q. Land Forces,
Hong Kong.

COMMITTAL ORDER.

To: The Superintendent Stanley Prison or any other prison to
which the Prisoner hereafter may lawfully be transferred.

Whereas one ITO TAKEO of the Imperial Japanese Army was by a Military Court held at Hong Kong, convicted of a war crime, and by a sentence signed on the ninth day of February 1948, sentenced to be imprisoned for 12 years commencing on the aforesaid day, and such sentence has been confirmed by His Excellency MAJOR GENERAL G.W.E.J. ERSKINE CB DSO General Officer Commanding Land Forces, Hong Kong as required by law. Now, therefore, I, the undersigned, the competent military authority, do hereby, in pursuance of the Army Act and of Army Order No. 81 of 1945 and of all acts and powers enabling me in this behalf, order you to receive the above named prisoner into your custody and detain him in accordance with the sentence so imposed or until further order of a competent authority and for so doing this shall be sufficient warrant.

Signed this *Kew Tink* day of April 1948.

G.W.E.J. ERSKINE
MAJOR GENERAL,
GENERAL OFFICER COMMANDING,
LAND FORCES, HONG KONG.

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**IMPORTANT
REGISTERED**

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Office of the DJAG,
General Headquarters,
Far East Land Forces,
c/o G.P.O. SINGAPORE,
MALAYA.

BM/JAG/65808

9th April '48

G.O.C., Land Forces,
HONG KONG.

Subject:- War Crimes Trial.

Reference the Proceedings of the trial by Military Court of Lt-Gen. ITO Takeo of the Imperial Japanese Army and the attached petition.

1. This accused was tried by a Military Court between 19th January and 9th February 1948. Four charges were preferred all of which concerned alleged killing and ill-treatment by members of the units under the command of the accused during the attack on Hong Kong in December 1941. The first charge related to Allied P.O.W. and surrendered personnel, the second to wounded and sick members of the Allied Forces, the third to members of medical formations and establishments and the fourth to civilian residents of Hong Kong.

The accused pleaded Not Guilty to all charges; the Court acquitted him on charges 3 and 4 but found him guilty of the first two charges and sentenced him to Imprisonment for 12 years.

2. The prosecution were able to call a wealth of evidence relating to atrocities committed by Japanese troops against all the classes of persons mentioned in the charges during the battle for Hong Kong. These atrocities included the shooting and bayoneting to death of Allied troops in various parts of the island and the murder and rape of nurses as well as civilian women both British and Chinese. The story of all that took place during those days of terror is now so well known that I need not recapitulate it in detail. The crux of the present case was, however, the question of Gen. ITO's exact position in relation to the various units employed in the operations and his consequent responsibility for the misdeeds of the troops comprising those units.

3. The prosecution sought to prove that at the material time ITO was Commanding the 38th Infantry Unit (or Group) consisting of three regiments, the 228th, the 229th and the

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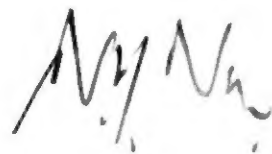
230th. In particular it was contended that Major Gen (then Col) TANAKA was at the time operating under Gen. ITO's command and hence that ITO bore responsibility for the atrocities committed by TANAKA's troops, especially in the Repulse Bay area.

4. It was admitted by the accused that before the Hong Kong landings he was in command of the 38th Inf. Group but the defence contended that as soon as the operations against the island began there was a redistribution of forces and that ITO became commander of a body known as Right Flank Force while TANAKA commanded a parallel force known as Left Flank Force; these two flank forces were said each to be under direct command of the G.O.C. 38th Division. This contention was supported not only by the accused and certain witnesses called for the defence but also by Maj. Gen. TANAKA who was a leading prosecution witness. Although it seems highly probable that this story was concocted by the Japanese witnesses for the purpose of this trial there was little or no evidence to rebut it and at the same time there was evidence from other prosecution witnesses that TANAKA personally appeared and made a speech in the Repulse Bay area (at Eucliffe), the inference being that he was directly responsible for what was going on there or at least for failing to stop it.

5. In finding the accused guilty only on the first two charges and in awarding a sentence of imprisonment for only 12 years (as against 20 years awarded at an earlier trial to TANAKA for his part in similar activities) the Court evidently came to the conclusion that ITO's responsibility was proved only in relation to atrocities against allied troops in the right flank sector.

6. The findings were undoubtedly in accordance with the evidence which the Court had before them and in the circumstances the sentence appears to be appropriate. I advise that the Proceedings be confirmed.

7. The petition merely repeats the contention of the defence that the charges on which the accused was found guilty were not fully proved and raises no matters which were not fully considered by the Court. I advise that the petition be dismissed.



Colonel,
DJAG, Far East Land Forces.
MHN/RRH.

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I, the undersigned, hereby authorise Mr. Minoru KUNIHIO,
the Japanese Defending Lawyer, to submit a Petition on my
behalf to the Confirming Authority against the finding and
sentence which were passed upon me on the 6th day of February
1948 by the Military Court for the Trial of War Criminals
held at Hong Kong.

WHEREUNTO I have set my hands this 19th day of February, 1948:

Lieutenant General ITO TAKEO 伊東 武夫

WITNESS to the signature of the above named.

..... G. Falkner

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IN THE MILITARY COURT FOR THE TRIAL OF
WAR CRIMINALS

To

THE GENERAL OFFICER COMMANDING LAND FORCES,
HONG KONG

The Petition
of

LIEUTENANT GENERAL ITO TAKEO
of the Imperial Japanese Army Attached

HEREWITH :

Your Petitioner was tried by a Military Court for the Trial
of War Criminals on 19th of January - 6th February, 1948 upon the follow-
ing charges, namely:

- 1st Charge Committing a War Crime in that he at Hong Kong, between
the 17th and 31st December, 1941 as Commander of 38
Infantry Unit of the 38 Division, was, in violation of
the Laws and Usages of War, concerned in the killing and
ill-treatment of Allied POWs and Surrendered Personnel
by the Members of Units under his Command.
- 2nd Charge Committing a War Crime in that he at Hong Kong, between
the 17th and 31st December 1941, as Commander of the 38
Infantry Unit of the 38 Division, was, in violation of
the Laws and Usages of War, concerned in the killing and
ill-treatment by Members of Units under his Command of
wounded and sick Members of Allied Forces that had
fallen in their power.

The Counsel for Defence wishes to stress that it is not proved
that the killing and ill-treatment as alleged in the aforementioned
charges were actually committed by Members of Units under the Command
of Your Petitioner. However, in case it is duly clarified that such
misconduct was committed by his subordinates, Your Petitioner will not
make any protest against his responsibility for the supervision of
subordinates, but will readily plead guilty in order to atone the mis-
conduct of his subordinates. The Defendant is, therefore, anxious to
know whether or not his subordinates were actually concerned in the
alleged misconduct. This point is to be clarified, otherwise, Your
Petitioner who believes he is innocent will have to suffer unnecessarily
throughout the term of his imprisonment.

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If anything is regarded with suspicion one might be able to
 acknowledge it hypothetically. However the fundamental principal in
 criminal law give the accused the benefit of the doubt.

19th February, 1948
 Hong Kong.

W. J. H. H. H. H. H.
 K. U. H. H. H. H. H.
 Counsel for Defence.

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I, the undersigned, hereby authorize Mr. Mimoru KUMIHARA,
the Japanese Defending Lawyer, to submit a Petition on my
behalf to the Confirming Authority against the finding and
sentence which were passed upon me on the 6th day of February
1948 by the Military Court for the Trial of War Criminals
held at Hong Kong.

WITNESSED I have set my hands this 19th day of February, 1948:

Lieutenant General ITO TAKEO 伊東 武夫

WITNESS to the signature of the above named.

..... 伊東 武夫

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IN THE MILITARY COURT FOR THE TRIAL OFWAR CRIMINALS

To

THE GENERAL OFFICER COMMANDING LAND FORCES,

HONG KONG

The Petitioner

of

LIEUTENANT GENERAL ITO TAKEO
of the Imperial Japanese Army AttachedHEREWITH :

Your Petitioner was tried by a Military Court for the Trial of War Criminals on 19th of January - 6th February, 1948 upon the following charges, namely:

- 1st Charge Committing a War Crime in that he at Hong Kong, between the 17th and 31st December, 1941 as Commander of 38 Infantry Unit of the 38 Division, was, in violation of the Laws and Usages of War, concerned in the killing and ill-treatment of Allied POWs and Surrendered Personnel by the Members of Units under his Command.
- 2nd Charge Committing a War Crime in that he at Hong Kong, between the 17th and 31st December 1941, as Commander of the 38 Infantry Unit of the 38 Division, was, in violation of the Laws and Usages of War, concerned in the killing and ill-treatment by Members of Units under his Command of wounded and sick Members of Allied Forces that had fallen in their power.

The Counsel for Defence wishes to stress that it is not proved that the killing and ill-treatment as alleged in the aforementioned charges were actually committed by Members of Units under the Command of Your Petitioner. However, in case it is duly clarified that such misconduct was committed by his subordinates, Your Petitioner will not make any protest against his responsibility for the supervision of subordinates, but will readily plead guilty in order to atone the misconduct of his subordinates. The Defendant is, therefore, anxious to know whether or not his subordinates were actually concerned in the alleged misconduct. This point is to be clarified, otherwise, Your Petitioner who believes he is innocent will have to suffer unnecessarily throughout the term of his imprisonment.

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LIST OF EXHIBITS IN CASE No. 65308

E	Opening Address - Prosecution.
F	Summary of Examination of MARTIN TSO HIM CHI.
G	..	..	..	Affidavit - A.K. PRICE. C.A.
H	..	..	..	Deposition of L/Cpl. GORDON EDWARD WILLIAMSON. CA
I	..	..	..	Deposition of Pte. LESLIE GEORGE ADAMS. C.A.
J	..	..	..	Deposition of L/Sgt. WILLIAM ALBERT HALL. C.A.
K	..	..	..	Deposition of Sgt. THOMAS GEORGE MARCH. C.A.
L	..	..	..	Statement (written) by C.S.M. HAMIL. P.M. RASC. and typewritten copy.
M	..	..	..	Affidavit - Lieut. JOHNSTON, C.D. C.A.
N	..	..	..	Statement by Pte. C.J. DICKS. C.A.
O	..	..	..	Statement by Cpl. RAYMOND JOSEPH HEWERT. C.A.
P	..	..	..	Deposition of Lt-Col. JOHN N.B. CRAWFORD. RCAMC.
Q	..	..	..	Statement by Lieut. W. MARLEY R.A.O.C.
R	..	..	..	Statement by Capt. JAMES BARNETT. C.C.S.
S	..	..	..	Affidavit - Rfn. DONAT BERNIER. C.A. (Original and translation).
T	..	..	..	Additional statement by Rfn. DONAT BERNIER with translation.
U	..	..	..	Pfc. R.L. Brady, Mdx. Regt. - Statement.
V	..	..	..	Summary of Examination of MARY SUFFLED.
W	..	..	..	Withdrawn - see script. p. 141.
X	..	..	..	Affidavit - Cpl. NORMAN JOHN LLAIN. RANC.
Y	..	..	..	Statement by Mess DA ROSA, with covering letter.
Z	..	..	..	Summary of Examination of MAI TSO HUNG.
AA	..	..	..	Photograph -
BB	..	..	..	Map of HONG KONG and NEW TERRITORY.
CC	..	..	..	Statement by SHOJI Toshishige.
DD	Statement by SHOJI Toshishige.
EE	Map of HONG KONG and NEW TERRITORY.
FF	Statement by ID Takeda.

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GG	Map of HONG KONG and NEW TERRITORY.
HH	Summary of Examination of Brother MICHAEL HOGAN.
II	..	..	..	Summary of Examination of PHILIP CHEUNG.
JJ	..	..	..	Defence submission of no case to answer.
KK	..	..	..	Drawing of a mark usually denoting the location of a Major-General.
LL	Closing Address - Defence.
MM	Closing Address - Prosecution,
NN	War History of 110 Takeo.

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FORM FOR ASSEMBLY AND PROCEEDINGS OF
A MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS.

A - Order convening the Court.

At **Hong Kong** this *Thirteenth* day of *January* 194*8*

Whereas it appears to me, the undersigned, an officer authorised under the Regulations for the Trial of War Criminals to convene a Military Court, that the persons named in the annexed Schedule have committed the war crimes mentioned therein, and whereas I am of the opinion that it is not necessary to appoint as president or as a member of a court an officer having one of the legal qualifications mentioned in Rule of Procedure (93 B), I hereby convene a military court to try the said persons and to consist of

President.

Lt. Col. P. Warwick

R.A.S.C.

Barrister-at-law/Solicitor *James* X

Members.

Maj. V.E. Howse

King's Own.

Capt. J. Benyon

R.E.

Waiting Member.

(Signed) *G. Lee* X

MAJOR GENERAL
Commander Land Forces, Hong Kong

(Convening Officer).

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SCHEDULE.

Number, rank, name and unit of accused.	War Crime charged	ple.	finding and, if convicted, sentence.	How de by cor. office
Lieut. Gen. ITO TAKEO of the Imperial Japanese Army attached to 2 Buffs. <i>G. L. P.</i>	<u>FIRST CHARGE</u> COMMITTING A WAR CRIME In that he At Hong Kong, between the 17th and 31st December 1941, as Commander of the 38 Infantry Unit of the 38 Division, was, in Violation of the Laws and Usages of War, concerned in the kill- ing and ill-treatment of Allied POWs and Surrendered Personnel by the Members of Units under his Command. <u>SECOND CHARGE</u> COMMITTING A WAR CRIME In that he At Hong Kong, between the 17th and 31st December 1941, as Commander of the 38 Infantry Unit of the 38 Division, was, in Violation of the Laws and Usages of War, concerned in the killing and ill- treatment by Members	<i>Not guilty.</i>	<i>guilty</i>	<i>Confirmed</i>
<i>G. L. P.</i>		<i>Not guilty.</i>	<i>guilty</i>	<i>Confirmed</i>

G. L. P. Keane
Major General
General Officer Commanding
Land Forces, Hong Kong

X (Signed) *G. L. P. Keane*

Commander Land Forces, Hong Kong
Covening Officer.

(Signed) *J. W. Smith Lt. Col.*

President.

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SCHEDULE.

Number, rank, name and unit of accused.	War Crime charged	plc.	Pending and, if convicted, sentence.	How de by cor offic-
Lieut. Gen. ITO TAKEO of the Imperial Japanese Army attached to 2 Buffs.	<p><u>SECOND CHARGE.</u> of Units under his Command of wounded and sick Members of Allied Forces that had fallen in their power.</p> <p><u>THIRD CHARGE.</u> <u>COMMITTING A WAR CRIME</u> In that he At Hong Kong, between the 17th and 31st December 1941 as Commander of the 38 Infantry Unit of the 38 Division, was, in Violation of the Laws and Usages of War, concerned in the killing and ill- treatment by Members of Units under his Command of Allied Personnel engaged ex- clusively in the collection, transport and treatment of the wounded and sick and in the administration of medical formations and establishments.</p> <p><u>FOURTH CHARGE</u> <u>COMMITTING A WAR CRIME</u> In that he At Hong Kong, between the 17th and 31st December 1941, as</p>	<p>Not guilty</p> <p>Not guilty</p> <p>Not guilty</p>	<p>Not guilty</p> <p>Not guilty</p> <p>Not guilty</p>	<p>Not guilty</p> <p>Not guilty</p> <p>Not guilty</p>

X (Signed) *[Signature]*

Commander Land Forces, Hong Kong
Covering Officer.

(Signed) *[Signature]*

President.

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NO. 7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
MONDAY, January 19, 1948.

1ST DAY'S Proceedings in the Trial of:
Lt-Gen. Ito Takeo, of the Imperial
Japanese Army.

COMPOSITION OF COURT.

President: Lt-Col. P. Warwick, R.A.S.C. (Barrister-at-law);
Members: Maj. V.E. Howse, King's Own Royal Regiment;
Capt. J. Benyon, Royal Engineers.
Prosecutor: Maj. M.I. Ormsby, The West Yorkshire Regiment
(The Prince Of Wales' Own), DAJAG, FARELF.
Assistant
Prosecutor: Maj. J.T.N. Cross, Royal Artillery, DAJAG,
War Crimes Legal Section, G.H.Q. FARELF.
Defence
Counsel: Mr Kunihiro Minoru (Lawyer of the Tokyo
Bar Association).
Advisory
Officer: 2nd/Lt. G.L. Falkoff (The Buffs).

The Court assembles at 1000 hours.

The accused answers to his name.

The Convening Order is read in the presence of the accused.

The President and Members are sworn.

The monitor, interpreters and shorthand writers are sworn
or affirmed.

The President reads the four charges against the accused.

President: Lt-Gen. Ito Takeo, do you plead guilty or not
guilty to the first charge?
Accused Ito Takeo: I plead not guilty, Sir.

President: Lt-Gen. Ito Takeo, do you plead guilty or not
guilty to the second charge?
Accused Ito Takeo: Not guilty, Sir.

President: Lt-Gen. Ito Takeo, do you plead guilty or not
guilty to the third charge?
Accused Ito Takeo: I plead not guilty, Sir.

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PLEAS BY ACCUSED: (cont.):

President: Lt-Gen. Ito Takeo, do you plead guilty or not guilty to the fourth charge?

Accused Ito Takeo: I plead not guilty, Sir.

President: Do you wish to apply for an adjournment on the ground that any of the regulations relating to procedure before trial have not been complied with and that you have been prejudiced thereby or on the ground that you have not had sufficient opportunity for preparing your defence?

Defence Counsel: I do not, Sir.

President: Do you propose to make an opening address?

Prosecutor: Yes, Sir. I would like, Sir, to introduce Major J.T.N. Cross, DAJAG, of the Royal Artillery, who will be assisting me in this case until such time as he is in Hongkong.

Prosecutor: I had proposed to use a scale model of the island in the presentation of this case, Sir. At the moment, however, it is being used for military exercise and I will not be able to get hold of it until the end of next week. Until that time I propose to use two scale maps of the island which I have placed on the blackboard.

The Prosecutor then delivers his opening address.

Prosecutor: I would like to make an alteration in the concluding paragraph of the address, Sir. I have a live witness here and I would like to produce him this morning, as I cannot get hold of him in the afternoon, so I will now call ~~him~~ my first witness, Sir.

President: The opening address of the Prosecution, ~~was~~ taken into Court, signed by the President and marked Exhibit "E".

President: Will you please explain what this map is ~~that~~ you are using?

Prosecutor: There are two ordnance survey maps, sheet 19 and sheet 23, and they are prepared copies made in 1945 of the area south of the New Territories and the whole of the Hongkong island.

P.W. NO. 1 - CHEUNG SIU-LING.

The witness is sworn.

EXAMINATION BY PROSECUTOR:

Prosecutor: What is your name?

Witness: My name is Cheung Siu-ling.

Q. Your age?

A. 40.

Q. Present address?

A. 18, Village Road, first floor.

Q. Your present occupation?

A. Teacher.

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EXAMINATION OF P.W. NO. 1 - CHEUNG SIU-LING (cont.):

Q. Where were you in December, 1941?

A. I was serving as a private in No.3 company of the Hongkong Volunteers.

Q. Where were you stationed at that time?

A. When we were mobilised we were first posted to man the pill box inside the Taikoo Docks, and on Tuesday, December 19, we were detailed to go up to Jardine's Lookout to man the No.3 gun post there.

Q. Do you remember any of the names of any of the people who were with you in that pill box?

A. I served in the squad under the command of L/Cpl Francis Zimmermann.

Q. Do you remember any other personnel who were there?

A. There were Private Roberts, Private Y.S. Lo and others.

Q. What unit did they belong to, the people you have just mentioned?

A. They all belonged to the No.3 company, Sir.

Q. Were only the personnel from No.3 company of the Hongkong Volunteer Defence Corps there or were there other people?

A. You mean at the time of our capture?

Q. I am talking about December 19.

A. I am sorry, Sir, it was December 16. Tuesday was the 16th.

Q. All right.

A. I have not come to that part of the evidence yet.

Q. How long did you remain there?

A. I remained there up to the night of December 18. On the night of December 18, about 2300 hours our positions were attacked by the enemy.

Q. Who were the enemy?

A. The Japanese. We were then manning the No.3 gun post at the bottom of Jardine's Lookout.

Q. Are you able to show us this position on the map?

Prosecutor: Can witness approach the blackboard, Sir.

President: Yes.

Witness approaches the blackboard and pointing to the map, says: Here, Sir.

Q. Are you able to give a map reference to that?

Prosecutor: Shall I do it for him, Sir.

President: Yes.

Q. Will you point out the spot again?

Witness indicates on the map.

Prosecutor: 5996.

President: Will the Defence Counsel just check on that and say whether he is satisfied with that map reference.

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EXAMINATION OF P.W. NO. 1 - CHEUNG SIU-LING (cont.):

Defence Counsel: Can the witness show the various points using a stick from the side?

Prosecutor: Just stand to one side, please, and put your finger on....

President: I think the Defence Counsel had better go up to the map.

President: Do you propose to give a map reference to this spot?

Prosecutor: A four-figure reference only, Sir, not a six-figure reference.

Defence Counsel: No objection to the reference, Sir.

Witness returns to the witness box.

Examination continues:

Q. Please continue.

A. On the night of the 19th, the Japanese attacked the No.1 and No.2 sections at Jardine's Lookout. Our units sustained heavy casualties. Private McKechnie from No.2 position brought a message down to us, telling us to report immediately to our company HQ at Stanley Gap. On arriving at Stanley Gap, we were detailed to stand to for the whole night up to the following morning.

Q. Are you able to pin-point that position of Stanley Gap on the map?

Witness points to a position on the map.

Prosecutor: Witness pointed to a spot which is marked "Stanley Gap" on the map, Sir.

Q. When you were at this point who were with you?

A. There were quite a lot of personnel with us; Lt Anderson was there, he was in command and a Canadian company was on our left, supporting us.

Q. You remember what regiment or unit these Canadians *belonged to?*

A. I could not remember whether it was the Winnipeg Grenadiers or the other regiment. There were two Canadian regiments.

Q. What happened then?

A. When morning came, the enemy was seen on the hill tops facing us.

Q. Just for the record, would that be from the east, north, west or south?

A. I would say from the direction of Tytan Gap. There was an exchange of fire and a desperate battle followed. ~~After~~ two hours of fighting, somehow, the enemy deserted us. After they simply by-passed us and went somewhere else. I was left on the field and as I looked around and could not find my comrades I went to a nearby shelter.

Q. What was this shelter?

A. This shelter happened to be our company's store of the quartermaster, our COMS storehouse. Inside the store, the hut, I found a few of my comrades, about 10 of them, some Canadians and one or two sappers, Royal Engineers.

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EXAMINATION OF P.W. NO. 1 - CHEUNG SIU-LING (cont.):

Q. How many men would that be altogether?

A. I roughly put it at 30 or 40 men.

Q. You remember any of the names of your comrades at the time?

A. I remember. They were Quartermaster Sergeant Fincher, L/Cpl Winyard, L/Cpl F. Zimmern, Private Roberts, Private T.C. Leung, Private Shaw, Private Gosling and L/Cpl P.H. Lim.

Q. Then what happened?

A. We remained in the hut for some time and we decided to make a break at dusk under cover of darkness, to rejoin our comrades or other fighting forces, but that plan did not materialise. Between 1500 and 1600 hours in the afternoon our hut was attacked by grenades and shots and mortars.

Q. This is still on December 19?

A. Yes. Meanwhile the enemy started throwing grenades into our ventilators, some of our chaps were wounded and they made a lot of noise and groans. That was heard by the enemy and they started battering the doors and the walls. Then suddenly one voice in English cried out, "If you are willing to lay down your arms your lives will all be spared." COMS Fincher round that the place was no longer tenable, he had no alternative but to ask us to lay down our arms.

Q. Was COMS Fincher the ^{most} senior officer there at the time?

A. He was the most senior officer then, Sir. We filed up our arms and we opened the door. We then filed out and we were ordered to line up on the road facing the storeroom.

Q. Who ordered you to do this?

A. One Japanese NCO, Sir.

Q. How do you know he was an NCO?

A. Because he carried a revolver, Sir.

Q. Were there any other Japanese soldiers in the vicinity?

A. There were hundreds and hundreds, Sir.

Q. How were they dressed?

A. They were dressed in green, they had various types of dresses, some of them wore green shirts, others wore khaki shirts.

Q. What were they armed with?

A. They were armed with rifles, and some armed with light machine guns.

Q. Were there any head dresses?

A. They wore helmets with nets sort of covering the helmets.

Q. What happened when you were told to line up?

A. As we were filing out, some of us were hit on the head or the body and so forth. After we lined up our hands were tied behind our backs and we were ordered first to stand, then squat and then to kneel and in all sorts of positions. In the meanwhile some 20 or 30 Japanese soldiers came near and they assaulted us with revolver butts, bayonets and all sorts of weapons.

Q. Where were your wounded at this time?

A. We never saw any more of them.

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EXAMINATION OF P.W. NO. 1 - CHEUNG SIU-LING (cont.):

Q. All right, go on, what happened then?

A. Dealing with the torture, L/Cpl Lim was first battered and then bayoneted. Private Gosling, Private McKechnie were also bayoneted, just on the road.

Q. Who were they bayoneted by?

A. By the Japanese troops. Private Shaw had his head cut with an axe by one soldier, Private T.C. Leung and all of us were beaten on our skulls and backs, with rifle butts and bayonets.

Q. You mentioned three names who were bayoneted - Lim, Gosling and McKechnie. Were they bayoneted very seriously?

A. I should say so, because they gave a big groan and we heard no more of them.

Q. All right, continue.

A. At the height of this torture a Japanese officer passed by and he gave orders to halt the torture. We were then led into an officers messroom nearby where we spent the night of the 19th.

Q. What happened to Leung you say was battered?

A. Leung was squatting next to me inside the messroom and throughout the night he tried to speak to me and he could not because his speech was no longer audible and I believe he lost all his senses. On the following afternoon we were then led under military escort to North Point camp.

Q. How were you led to this North Point camp?

A. One hand of mine was tied with that of another of my comrades and there were Japanese soldiers standing on both sides of us, and as we marched down the Mt Parker Road, I think, the Japanese troops started beating us with rifle butts, sticks and all sorts of things.

Q. Do you remember the route you took to North Point camp?

A. Very roughly, Sir, because I was very weak then and my skull was very hard hit. I was just led all the way by another comrade, Sir.

Q. Can you remember whether it was to the east of that position, or to the west, that is along the main road?

A. It must be to the east, Sir.

Q. Now, then, how many people you remember were left behind in that position, either wounded or dead?

A. I could not remember the others very well, but I definitely remember Private T.C. Leung.

Q. Was he still alive when you left?

A. He was still alive, he was not dead but he could not walk.

Q. Could you say definitely about the other three that you mentioned, were they dead or alive when you left: McKechnie, Gosling and Lim?

A. As far as I know they were dead.

Q. When did you reach North Point camp?

A. That was on the evening of the 20th December.

Q. On that march from Stanley Gap to North Point, do you remember any particular person who was ill-treated badly besides yourself?

A. I was near Lt Field, our platoon commander, he was very

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EXAMINATION OF P.W. NO. 1 - CHEUNG SIU-LING (cont.):

A(cont.): badly treated, he had his hair burnt with cigarette ends and they tried to take off his ring, they could not do it, then they threw stones at him, but I did not mention this in my affidavit, Sir.

Q. What uniform was he wearing at the time?

A. Pair of shorts, a shirt and cardigan, no cap.

Q. At the time that you were led out of this shelter at Stanley Gap, what uniform were you and the rest of the party wearing?

A. Great coats, our tin helmets, everything, full kit.

Q. Were the NCOs and officers wearing their badges of rank at that time?

A. They were, Sir.

Prosecutor: No further questions, Sir.

CROSS-EXAMINATION OF WITNESS:

Defence Counsel: May I ask you again, the time and the date you arrived at Jardine's Lookout?

Witness: We arrived there on Tuesday, December 16, in the early hours of the morning.

Q. Until you arrived at Jardine's Lookout by the 16th early in the morning, where were you then?

A. We were manning the pill box inside the Taikoo Docks.

Q. I think you said that there were some Japanese wearing uniforms in green. Were they clothed in green all over, upper part and lower part?

A. I could not say, some of them were wearing jungle green shirts and khaki shorts. I could not say very well. They were not particular in wearing.

Q. Then to you the Japanese seemed to be wearing uniforms not all over the same kind then?

A. I won't say that. Most of them same kind, khaki, but some of them had jungle green shirts and others wore khaki shirts. I am not quite sure about their uniforms but I believe the majority of them wore khaki coloured shirts and shorts.

Q. Was their footwear of the same type?

A. No, some of them wore rubber shoes or black rubber boots and other wore buff coloured boots. I could not say.

Q. Were there any horses around with them?

A. You mean at the time of my capture or at the time of going down to North Point?

Q. While you were at Stanley Gap?

A. I did not see any horses but as I was led down to North Point I saw horses coming up.

Q. When you spent the night at Stanley Gap, were the Japanese on guard over you the same that made the attack on you?

A. I cannot answer that question. I could not know.

Q. What was the approximate strength of the Japanese unit when you reached North Point there?

A. I would put it at least over 2,000 to 3,000.

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CROSS-EXAMINATION OF P.W. NO. 1 - CHEUNG SIU-LING (Contd).

Q. You said some soldiers escorted you down to North Point. Did they immediately go back?

A. Again I cannot answer. Since we were led down we were so hungry, tired and thirsty and were told to assemble in the place and grouped into various units — Volunteers and various regiments, so I could not see.

Q. Did you notice any difference in the uniform of the soldiers that escorted you to North Point and the units that were already at North Point?

A. I did not notice much difference.

Defence Counsel: No more questions, sir.

RE-EXAMINATION DECLINED.QUESTIONS BY THE COURT.

Q. You said after you had been knocked about after your capture you were taken to an officers' mess room?

A. That was very near our company store-room. We spent the evening in the room and on the following evening led down to North Point.

Q. How many of your company were left in the officers' mess?

A. I cannot exactly remember but I distinctly remember my friend T.C. Leung was one of them.

Q. You have no idea how many?

A. It was very strange. During our confinement inside the mess room, the mess room was shelled and there were one or two casualties. These casualties were also left behind. I cannot remember how many but there were quite a lot.

Q. Did you actually see with your own eyes these injuries inflicted on these men?

A. Yes, as Leung was squatting next to me. Not only had he lumps in his skull but there were some scratches made by some sharp weapon or a bayonet.

Q. You not only saw the results of the injuries but you saw the injuries being inflicted?

A. You mean being inflicted or afterwards?

Q. Actually being inflicted.

A. No, I could not see. It was quite a distance from me. Regarding myself I distinctly saw Pte Shaw being hit with an axe on the head.

Q. Have you ever seen Pte Leung again since?

A. No.

Q. You mentioned that three men were left dead. Did you actually see them die?

A. I saw Cpl Lim being battered first and then bayoneted. That I distinctly saw. McKechnie I could not see very well but I remember his voice and I heard him give a sharp groan and he lay prostrate on the ground. I never saw McKechnie again. Gosling was behind me. I also heard some noise and later I found out he was also bayoneted. I was not sure whether it was him or not, but he was at my back.

President: Any questions arising?

Prosecutor: No, sir.

Defence Counsel: No, sir.

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D.W. NO. 2 - CAPT E. C. WATSON

The witness is sworn.

EXAMINATION BY THE PROSECUTOR.

Q. What is your name, rank, age, occupation and present address?

A. Edward Charles Watson, Captain, General List, attached to No. 14 War Crimes Team, Hongkong.

Q. What is your present employment in the War Crimes team?

A. As an investigator.

Q. Did you investigate the case of Lt-Gen. Ito Takeo?

A. I did.

Q. Will you produce to the Court, Capt Watson, the sworn affidavit and certified true copies of Martin Tso Him-chai?

A. I produce the affidavit of Martin Tso Him-chai.

Prosecutor: At a later stage in the case, I should like this original handed back, sir. When I read the copies I would like you to compare these copies with the original and after that I should like to take back the original.

President: These are all originals?

Prosecutor: The original is the top document and the rest are copies. I will now read them at the present moment.

Affidavit and certified true copies of Martin Tso Him-chai taken into Court, marked Exhibit "F" and signed by the President.

Q. Do you now produce the sworn affidavit and certified true copies of A.K. Pryce?

A. I produce the affidavit of A.K. Pryce.

Affidavit and certified true copies of A.K. Pryce taken into Court, signed by the President and marked Exhibit "G."

Q. Do you now produce the sworn affidavit and certified true copies of G.E. Williamson?

A. I produce the affidavit of G.E. Williamson.

Affidavit and certified true copies of L/Cpl. Gordon Edward Williamson taken into Court, signed by the President and marked Exhibit "H."

Q. Do you now produce the sworn affidavit and certified true copies of L. G. Adams?

A. This is the affidavit of L.G. Adams.

Affidavit and certified true copies of Leslie George Adams taken into Court, signed by the President and marked Exhibit "I."

Q. Do you now produce the sworn affidavit and certified true copies of W.A. Hall?

A. This is the affidavit of Sgt William Albert Hall.

Affidavit and certified true copies of William Albert Hall taken into Court, signed by the President, and marked Exhibit "J."

Q. Do you now produce the sworn affidavit and certified true copies of T.G. Marsh?

A. This is the affidavit of Sgt T.G. Marsh.

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EXAMINATION OF P.W. NO. 2- CAPT. E.C. WATSON (Contd).

Affidavit and certified true copies of Sgt Thomas George Marsh taken into Court, signed by the President, and marked Exhibit "K."

Q. Do you now produce the sworn statement and certified true copies of F.W. Hamlin?

A. This is the statement of Hamlin.

President: Were these statements taken by you?

Witness: It was copied from statements already produced to another Court.

President: Is this written in the hand-writing of Hamlin?

Witness: Yes.

President: He has written his own name wrong? He spells it Hamle.

Witness: In a previous case a witness said it was Hamlin. It is signed on the last page.

Prosecutor: I know the name is supposed to be Hamlin.

President: Surely he would not spell his name wrong?

Prosecutor: We will call it Hamle for the purposes of the record.

The sworn statement and certified true copies of C.S.M. Hamle taken into Court, signed by the President and marked Exhibit "L."

Q. Do you now produce the sworn affidavit and ^{certified} true copies of C.D. Johnston?

A. This is the affidavit of Lt C.D. Johnston.

Affidavit and certified true copies of Lt C.D. Johnston taken into Court, signed by the President and marked Exhibit "M."

Q. Do you now produce the sworn affidavit and certified true copies of C.J. Dix?

A. This is the sworn affidavit of Pte C.J. Dix.

Affidavit and certified true copies of Pte C.J. Dix taken into Court, signed by the President, and marked Exhibit "N."

Q. Do you now produce the sworn affidavit and certified true copies of R.J. Hebert?

A. This is the sworn affidavit of Cpl. R.J. Hebert.

Affidavit of Cpl R.J. Hebert taken into Court, signed by the President and marked Exhibit "O."

Q. Do you now produce the sworn affidavit and copies of J.N.B. Crawford?

A. This is the sworn affidavit of Lt-Col. J.N.B. Crawford.

Affidavit and certified true copies of Lt-Col. John N.B. Crawford taken into Court, signed by the President and marked Exhibit "P."

Q. Do you now produce the sworn statement and copies of W. Markie?

A. This is the sworn statement of Lt Markie.

President: Is this a sworn statement?

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EXAMINATION OF P.W. NO. 2 - CAPT. E.D. WATSON (Contd).

Prosecutor: It is supposed to be a sworn statement.

Witness: That is the same as in the case of Hamle. This statement was written while in camp. There was no case of it being sworn then, sir. Those Japanese characters on the paper indicate it was Japanese camp paper which was used.

President: Who is to prove the signature?

Witness: In the previous case the signature was proved by Capt Banfill. He was at that time in Hongkong. He was flown here from Canada for that case.

President: Are you producing Capt Banfill?

Prosecutor: The witness can prove Capt Banfill's signature.

Witness: This document I hold in my hand, pertaining to be written by Lt Markie, is signed by Capt Banfill, R.C.A.M.C. I have seen Capt Banfill's signature before and certify this is his signature.

Statement made by Lt W. Markie, R.A.O.C. and certified true copies taken into Court, signed by the President and marked Exhibit "Q."

Witness: If the Court pleases, I shall later on produce a sworn statement by Capt Banfill which was sworn before Counsel in Canada.

Q. Do you now produce the sworn affidavit and certified true copies of J. Barnett?

A. These are the affidavit and certified true copies of J. Barnett.

President: There are no signatures showing these are certified true copies.

Prosecutor: I think my signature appears, sir.

President: Yes, your signature does appear.

Affidavit and certified true copies of James Barnett taken into Court, signed by the President, and marked Exhibit "R."

Q. Do you now produce the sworn affidavit of D. Burnier?

A. This is the sworn affidavit of Donat Burnier.

Affidavit and certified true copies of Donat Burnier taken into Court, signed by the President and marked Exhibit "S."

Q. Do you now produce an additional sworn affidavit and certified true copies of D. Burnier?

A. This is an additional affidavit of D. Burnier.

Affidavit (additional) by Donat Burnier and certified true copies taken into Court, signed by the President, and marked Exhibit "T."

Q. Do you now produce the statement and certified true copies of R.E. Brady?

A. This is the statement made by R.E. Brady.

Q. Will you tell the Court where you produce that document from?

A. At the commencement of investigations, No. 14 War Crimes Team was in possession of many statements after the type of the

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EXAMINATION OF P.W. NO. 2 - CAPT E.C. WATSON (Contd).

A (Contd): one produced which were not sworn but signed and sent to us as purporting to be made by the persons making those statements.

President: There is no further evidence that the signature on this statement is the signature of the person who made it?
Witness: None at all, sir.

Statement purporting to be made by and signed by R. E. Brady, Middlesex Regiment, and certified true copies taken into Court, signed by the President and marked Exhibit "U."

Q. Do you now produce the sworn statement of M. Suffiad?
A. This is the sworn statement of Miss Mary Suffiad.

Prosecutor: There are no copies of that available at the moment, sir.

President: Are you going to produce copies?

Prosecutor: Yes.

President: Can you tell me who this was sworn before?
Witness: Major Boyd. He was 2/O.C. 14 War Crimes Team last year. He is now in Tientsin.

President: Do you recognize Major Boyd's signature?
Witness: I do.

Sworn statement of Mary Suffiad taken into Court, signed by the President, and marked Exhibit "V."

Q. Do you now produce the sworn affidavit of S. Banfill and certified true copies?
A. This is the statement and true copies of Stanley M. Banfill.

Affidavit of Stanley M. Banfill and certified true copies taken into Court, signed by the President and marked Exhibit "W."

Q. Do you now produce the sworn affidavit and certified true copies of N.J. Leath?
A. This is the affidavit of Cpl. Norman John Leath.

Affidavit and certified true copies of Cpl. Norman John Leath taken into Court, signed by the President and marked Exhibit "X."

Q. Do you now produce the statement and certified true copies of M. da Roza?
A. This is the unsworn statement of M. da Roza.

Q. Tell the Court how that document came into your possession?
A. At the commencement of enquiries by 14 War Crimes Team, many document were handed in. At that time, there was no system of sworn statements. As long as a witness by a senior officer it was accepted. This is certified by Lieutenant-Commander, R.N. I cannot swear to the signatures. A living witness who knew Miss da Roza, sir, well will be coming and can probably identify her signature.

President: This is not a sworn statement?
Witness: No, sir.

Statement of Marie da Roza and certified true copies taken into Court, signed by the President, and marked Exhibit "Y."

Q. Do you now produce the sworn statement and certified true

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EXAMINATION OF P.W. NO. 2 - CAPT E.C. WATSON (Contd).

Q (Contd): copies of Mio Cho-heng?

A. This is the sworn statement of Mio Cho-heng.

President: You understand these unsworn statements taken into Court and without their signatures being proved will not carry an awful lot of weight in evidence?

Prosecutor: I will take them for what they are worth, sir.

Sworn statement of Mio Cho-heng and certified true copies taken into Court, signed by the President and marked Exhibit "Z."

Prosecutor: No further questions, sir.

President: Do you know Major Cooper?

Witness: He was formerly O.C. 14 War Crimes Team about this time last year. This is his signature.

President: Does Defence Counsel wish to cross-examine this witness?

Defence Counsel: No, sir.

Prosecutor: May I have permission to recall this witness at a later stage for purely formal evidence? In that case, can he be given permission to remain in Court during the sitting until such time as he is recalled?

President: Are you not able to continue with his examination now?

Prosecutor: I do not wish to now, sir.

President: For what reason?

Prosecutor: The production of a map made by a Japanese general who was in Hongkong about six months ago. I do not wish to produce it at this stage. It is purely formal evidence.

President: Has the defence any objection to raise on the point?

Defence Counsel: No, sir.

President: For what reason do you apply for permission for the witness to remain in Court?

Prosecutor: Just in case I wish to have any administrative details seen to, such as correction of a witness, the laying of transport, etc, in which case he will have to come into Court and see me here.

President: He may remain in the vicinity of the Court house, but he may not come inside the Court during the trial.

Prosecutor: May he come into Court to speak to me if I ask him to?

President: During the trial?

Prosecutor: Yes.

President: I don't quite see the necessity for that. Can you explain why? It is laid down that a witness who is to give evidence is not allowed to sit in Court.

Prosecutor: He will not sit in Court, but he may have occasion to come into Court to see me.

President: I think, if you can arrange it, you should arrange to contact him some other way.

Prosecutor: It makes no difference to me sir. If you wish it, that will be all right.

President: The Court will adjourn until 2.15 this afternoon.

ADJOURNMENT

At 1225 hours the Court adjourned to 1415 hours.

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ADJOURNMENT

At 1225 hours the Court adjourned until 1415 hours.

RESUMPTION

At 1420 hours, the Court re-assembled pursuant to adjournment, the same members as at adjournment being present.

Prosecutor: I wish now to read the affidavits concerning the events in the Lyemun and Saiwan area.

The Prosecutor reads the affidavits of Martin Tso Him-chi (Exhibit "F") and A.K. Pryce (Exhibit "G"), after which he calls as witness Chan Yan-kwong.

P.W. No. 3 - CHAN YAN-KWONG

Witness is sworn.

EXAMINATION BY PROSECUTOR:

Q. Your name?

A. Chan Yan-kwong.

Q. Age?

A. 26.

Q. Occupation?

A. Merchant.

Q. Present address?

A. 76 Takuling Road, first floor, Kowloon City.

Q. Where were you in December, 1941?

A. I was a private attached to the 5th AA, Lyemun Barracks.

Q. What unit was that?

A. 5th Anti-aircraft.

Q. Was that regular army?

A. No, Volunteer.

Q. What date were you in this position?

A. I was mobilised on December 6 and was sent to Saiwan Fort on about the 12th.

Q. Were you there when the Japanese invaded the island of Hongkong?

A. Yes.

President: What year are you referring to?

Witness: I am referring to 1941.

Prosecutor: Will you tell us what happened?

Witness: I remember I was sent there about December 12, 1941. The shelling was quite bad during that few days so we divided into two groups, one to go to what we called a sister gun on the other side for a rest. I think it was about the 17th or 18th when suddenly a hand grenade was thrown into the dug-out and a few Indians were hurt.

Q. Are you able to show us this position on a map?

A. I think the place is too small but I can show you the whole Lyemun area. The spot is too small; it is on top of a hill.

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EXAMINATION OF P.W. NO. 3 - CHAN YAN-KWONG (Contd)

At the request of the Prosecutor, Witness goes to the map on the blackboard and indicates the Lyemun area, Saiwan Fort, the road, which is big enough only for a lorry, to go up there, the gun position, the dug-out, few magazines and the pill-box. (Ref:6397).

President: Does the Defence agree to that?
Defence Counsel: Yes.

Q. How many were you in this pill box at the time?
A. About 29.

Q. What unit did they belong to?
A. 5th AA.

Q. Remember any of their names?
A. I remember Martin Tso Him-chi, Tsang Kai-pan and a school-mate of mine in the Diocesan Boys' School, whose name I have forgotten.

Q. Martin Tso Him-chi is one of them?
A. Yes, he is alive.

Q. Then what happened?
A. So the OC asked us to rush out as a kind of counter-attack and I was one of the few who rushed out of the dug-out. But there were a few shots and the one who rushed out first got shot and I got a scratch.

Q. Who is the OC?
A. A Lieutenant. I forgot his name because I was sent there on the 12th.

Q. When you rushed out, what did you see?
A. I could see practically nothing except some roads and houses like that but I heard voices.

Q. What happened then?
A. After about three or five minutes, some voices continued shouting "Surrender, save you" in a kind of broken English and more than ten times they said that.

Q. At this time were you inside the pill-box or outside?
A. Outside already.

Q. Then what happened?
A. After it had been quiet for a few minutes or a few seconds-- it was difficult to judge the time then--I continued to hear the voices and then I faintly saw someone walking up. Thinking someone was surrendering I put up my hands and walked to the spot where there was a crowd. From there the Japanese took us to a magazine above the road.

Q. How many Japanese were there at this time?
A. I should say about 10 to 12.

Q. How far was this magazine they took you to from the place where you had surrendered?
A. From the path to the magazine about 30 to 40 yards.

Q. Then what happened?
A. We were kept inside the pill-box.

Q. How many were there of you inside?
A. The Japanese counted us and found the number was 29.

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EXAMINATION OF P.W. NO. 3 - CHAN YAN-KWONG (Contd)

Q. Then what happened?

A. They took a wrist watch, belt and fountain pen from me then then started to smoke cigarettes while some looked after us with fixed bayonet.

Q. How many Japanese were doing this?

A. The looting was done by about four or five Japanese.

Q. Then what happened?

A. Then another Japanese came whereupon the looting stopped. He took some notes and then just left us for three or four hours, and after that a Japanese came and I presumed he was an officer as he had a sword. He said something in Japanese to another Japanese, which we didn't know at first but afterwards he interpreted it into English, "All right, you men will be free. You can go." He then asked us to go out one by one. Then suddenly the Japanese formed a semi-circle and blocked the door with fixed bayonets, and when the first one came out a bayonet was stuck on him. I think I was No. 8 to go out, and when I came out a Japanese with a rifle and fixed bayonet struck at me from my left. It caught hold of my cardigan and slashed through to my right wrist which squirted a lot of blood, and at once I lay down.

Q. Did you see this first man bayoneted yourself?

A. Yes. I could see because it was on the top of the road and there was a ship burning in Shaukiwan and there were houses on fire beneath so it was quite clear although there was no moonlight. I remember everyone wanted to die first as they did not like to wait for their turn.

Q. Besides that first man who went out, did anything happen to the men who went out before you?

A. Yes, he fell down in front of me.

Q. You say you were the 8th man, what happened to the other six?

A. What six?

Q. One man went out and he was bayoneted. You said you were the 8th person and somebody bayoneted you. What happened to the second, third, fourth, fifth, sixth and seventh?

A. There was a lot of men lying on the path. I could hear the shouts and cries and moaning so I could not be mistaken.

Q. What happened when you fell down?

A. I remember one or two fell on top of me and then some Japanese came up and hammered us with a rifle butt, and after hammering us threw us down into what I used to call a pit in the kitchen.

Q. What happened to you then?

A. I was thrown down into the pit also but I was in the centre. The Japanese had earlier taken our gasmasks when they looted us, and with these they hit us on the head so I rolled and rolled until I got to the edge of the kitchen wall.

Q. Was there anybody near you when you stopped against that wall?

A. I could see it was full of bodies lying round.

Q. How long did you remain in that position?

A. For three days and three nights.

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EXAMINATION OF P.W. NO. 3 - CHAN YAN-KWONG (Contd)

Q. Then what happened?

A. Then after four days some looters came up so I took off my uniform and crawled out; and before I crawled out I looked round and then suddenly I saw Martin Tso Him-chi. He said he was wounded and asked me to bandage him and he bandaged me after which we crawled out.

Q. What happened then?

A. I hid in Shaukiwan.

Q. At the time when you first saw the Japanese were you and your party dressed in uniform?

A. Yes, we were in uniform, but there were two cooks not in uniform. They were in civilian clothes.

Q. The people who were in uniform, what sort of uniform?

A. We had khaki trousers and khaki shirt and a cardigan and we had tunics with brass buttons.

Q. What rank was this OC of your detachment?

A. He was a Lieutenant.

Q. Was he wearing his badge of rank at the time the Japanese came?

A. I am not sure.

Q. Do you recognise this photograph?

A. Yes.

Q. What is it?

A. This is Saiwan Fort which I have referred to and this man here is myself.

Q. Will you explain to the Court the events which took place, as far as you can, in reference to this photograph?

A. Yes.

Q. Where was the position you were in before you surrendered?

A. Here is the dug-out in this side and the wall which you cannot see in this photograph.

Q. Where was the place you were taken after the surrender?

A. We surrendered round here (indicated) and here is the path, and we were taken into this pill-box (indicated).

Q. Where were the bodies thrown?

A. Thrown down here (indicated). Here is the kitchen and there is a space between this wall and the kitchen. We came out here and the semi-circle was formed here.

Q. If I ask you, could you show us the place on the ground?

A. Yes.

Advisory

Officer: May the Accused be allowed to see that photograph before it is sent in as an exhibit?

President: Yes.

The Accused is shown the photograph and the positions explained to him by the Interpreter.

The photograph and the location of the incident referred to, produced by Prosecution Witness No. 3, Chan Yan-kwong, is taken into Court, signed by the President and marked Exhibit "AA".

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EXAMINATION OF P.W. NO. 3 - CHAN YAN-KWONG (Contd)

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President: Have you any photostat of this?

Prosecutor: Not at the moment, Sir. I will have them in as soon as they are ready.

Prosecutor (to Witness): Do you have any marks as a result of that bayonetting on your body?

A. Yes. (The Court observes a scar on the right wrist of Witness).

Q. Any other marks?

A. A slight scratch on the left wrist.

CROSS-EXAMINATION BY DEFENCE COUNSEL:

Q. At the time when you surrendered at that spot, where was the Japanese unit?

A. I don't know where the unit was but I knew there were a few Japanese.

Q. At the time when you surrendered, did you have your gasmask on?

A. Yes, but when the Japanese caught hold of us they ripped everything out.

Q. You didn't have it on your face, did you?

A. No, we had it on the alert position in front of our chest but not on the face.

RE-EXAMINATION DECLINED.QUESTIONS BY THE COURT:Q. Did you actually see any of the other men bayonnetted?
A. Yes.

Q. Can you remember how many men you saw bayonnetted?

A. The few who went before me. I now remember his name-- Ting Ping-kwan--the last one to be bayonnetted. I quite remember him when the Japanese bayonnetted him. He tried to avoid by putting up his legs and arms and made quite a lot of noise. I now remember his name.

Q. Was he bayonnetted after you?
A. He was the last one.Q. Did you see any of these men actually die as a result of the bayonetting?
A. Yes.

Q. How many?

A. I cannot say how many because some died that night, some in the early morning and some in the afternoon.

Q. Do you know the names of any of the men who died?
A. Ting Ping-kwan and Tsang Kai-pan.

President: Any questions arising?

Prosecutor: No.

Defence Counsel: No.

President: Witness may stand down.

Prosecutor: I would now like to read the affidavits pertaining to the incident at Stanley Gap. You heard the witness this morning,

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Cheung Sju-ling, on this incident. He was rather out of turn so I would like now to read the affidavits.

The Prosecutor reads extracts from an affidavit by ~~_____~~ Gordon Edward Williamson (Exhibit "H").

President: ~~_____~~ Exhibit "H", affidavit of Gordon Edward William, only the first three paragraphs will be taken note of by the Court.

Prosecutor: I now wish to read the affidavit of Leslie George Adams, Exhibit "I."

The affidavit is read by the Prosecutor.

President: The first four paragraphs in the affidavit of Pte Leslie George Adams, marked Exhibit "I" will be noted by the Court.

Prosecutor: I now wish to read the affidavit of William Albert Hall.

The affidavit is read by the Prosecutor.

President: The affidavit of L/Sgt William Albert Hall, marked Exhibit "J" the first eleven paragraphs only, will be noted by the Court.

Prosecutor: Now I wish to read extracts from the affidavit of Sgt Thomas George Marsh.

Extracts from the affidavit is read by the Prosecutor.

President: The affidavit of Sgt Thomas George Marsh, marked Exhibit "K," only pages 1 and 2, will be noted by the Court.

Prosecutor: At this stage I have no further witnesses on this incident on which I am leading evidence. I respectfully ask the Court for an adjournment unless you wish me to read affidavits pertaining to other incidents in this case.

President: So far you have been dealing with one charge only?

Prosecutor: And two spots at the moment, Stanley Gap and Lyemun.

President: And you propose to call witnesses regarding the next incident?

Prosecutor: Live witnesses to-morrow on the same incident.

President: The Court will adjourn until 10 o'clock to-morrow morning.

ADJOURNMENT

At 1540 hours the Court adjourned until 1000 hours on Tuesday, January 20, 1948.

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Lt-Col. Warwick.

MS

Trial of:

Lieut.-Gen. Ito Takeo.

2nd Day.

Tuesday, January 20, 1948.

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NO.7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
TUESDAY, January 20, 1948.

2ND DAY'S Proceedings in the Trial of:
Lt-Gen. Ito Takeo, of the Imperial
Japanese Army.

At 1005 hours on Tuesday, January 20, 1948, the
Court re-assembles. Present: The same members as at
adjournment on Monday, January 19, 1948.

P.W. NO. ⁴ - F. R. ZIMMERN.

The witness is sworn.

EXAMINATION OF WITNESS:

Prosecutor: What is your name?

Witness: Francis Richard Zimmern.

Q. Age?

A. 36 years of age.

Q. Present occupation?

A. Stockbroker.

Q. Present Address?

A. 2, Conduit Road, Hongkong.

Q. Where were you in December, 1941?

A. I was in Hongkong.

Q. What were you doing in Hongkong?

A. I was still then in the sharebrokers business.

Q. What were you doing at the outbreak of the Pacific war?

A. As a member of the Volunteers, No.3 Company, machine guns.

Q. For the record, which volunteers do you mean?

A. Hongkong Volunteers.

Q. What date were you mobilised?

A. I was mobilised on December 8.

Q. Where did you go when you were mobilised?

A. First of all down to North Point by Taikoo Docks.

Q. Where did you go after that?

A. Jardine's Lookout.

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EXAMINATION OF P.W. NO. 4 - F.R. ZIMMERN (cont.):

Q. Did you go with anybody else or just by yourself?

A. I was head of a platoon, I went with my platoon.

Q. What was your rank at the time?

A. Lance-corporal.

Q. Who was your platoon commander?

A. Capt. Holmes.

Q. How many men were there in that platoon?

A. We were then 12 as far as I can recollect.

Q. Remember any of the names of the people in that platoon besides Capt. Holmes?

A. Yes. I had T. Madar, Locke and Hung.

Q. All right. What happened after you got to Jardine's Lookout?

A. On the night of the 18th we were attacked by the Japanese in overwhelming numbers. We suffered casualties and retired back to Stanley Gap which was then the company's HQ.

Q. Where did these Japanese come from ~~in~~ that overwhelmed you at Jardine's Lookout?

A. From the direction of North Point.

Q. Who went with you back to ^{the} Stanley Gap position?

A. Private Itensen, Madar, Private Cheung who gave evidence yesterday, and Private McKechnie.

Q. What happened when you got to the Stanley Gap position?

A. We were there for some time and then the Japanese came down over Jardine's Lookout and down into Stanley Gap. A battle took place which lasted for some hours. On the morning of the 19th everything was more or less over. The Japanese came into Stanley Gap in the afternoon of the 19th. They had overtaken the position.

Q. Had you suffered any casualties as a result of this battle?

A. Yes.

Q. How many?

A. I could not tell the exact number.

Q. Then what happened?

A. We were in the Quartermaster's hut when the Japanese came into Stanley Gap and we surrendered.

Q. In what way did you surrender?

A. We were about 20 of us. They came into the hut and then told us to line up on the road outside.

Q. Who told you to line up?

A. The Japanese.

Q. In English or what?

A. No. We had amongst us a man who was finally killed, he spoke Japanese and he more or less told us what to do.

Q. All right. What happened next?

A. We were lined up in three rows outside the hut and then the Japanese came along and they started bayoneting. The Japanese told us that we had inflicted heavy casualties on them and that we had to repay. This Japanese spoke in English

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EXAMINATION OF P.W. NO. ■ - F.R. ZIMMERN (cont.):

A(cont.): which was rather poorly, but he made himself understood.

Q. What ■ was he, do you know, his rank?

A. I could not tell the rank.

Q. And then what happened?

A. After a while we were told to strip ourselves of everything we had. We just threw everything into a pool - watches and whatever we had in our possession, even our great coats. And then suddenly they started getting angry for no reason and started bayoneting several people and then trod the people to death.

Q. How many of you were lined up there?

A. We were about 20 as far as I remember. I don't exactly recollect the number, but about 20.

Q. How many Japanese were there?

A. In tremendous numbers.

Q. Will you explain in more detail what you mean by the Japanese bayoneting you?

A. They had about 10 coming round, slapping people, and all of a sudden pushed one man forward and put a bayonet right through him. They did that to McKechnie, Gosling, a Canadian who was next to me - I cannot recollect the name - and on the extreme left was a man called Lim. They threw him over, trod on his head until they squashed his head absolutely flat.

Q. Did you see that happening with your own eyes?

A. Yes.

Q. How long did Gosling and McKechnie remain there?

A. They were left on the road when we were taken into the hut. Next day they were still there, as far as I can remember.

Q. Were they dead or alive?

A. Dead.

Q. What about Lim?

A. Lim was dead.

Q. Was anybody else bayoneted besides those people you have mentioned by name?

A. I don't remember.

Q. What happened next?

A. We were led into a shed which was then more or less our company's dining room and we spent the night there. Before this, numbers of prisoners ■ taken from Jardine's Lookout also were taken into Stanley Gap and we were all put into the dining room.

Q. What sort of place was this dining room?

A. It was ■ a very small hut with a few benches and long seats.

Q. What was it made of?

A. It was just wood and straw.

Q. What happened after that?

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EXAMINATION OF P.W. NO. 3 - F.R. ZIMMERN (cont.):

A. We were about 150 by then and we had absolutely no place in which to lie down. We were more or less squashed against each other. By then our position had been taken by the Japanese and our own troops were firing on Stanley Gap. We suffered a direct hit, as a result about 30 were killed and many wounded.

Q. How do you know it was your own people firing and not the Japanese?

A. We were told later that it was our own gunners.

Q. Yes, then, what happened after that?

A. Next morning we were tied together, probably about nine of us tied together with a rope and we were led down to North Point.

Q. How many about were led away?

A. We were then probably in the neighbourhood of about 100 I think. 30 had been killed and about 20 badly injured. They remained behind and that was the last we heard of them.

Q. You remember the names of anybody who accompanied you on that march to North Point?

A. Yes, Lt Field, QMS Fincher, Sgt White, they were from our own company, and there were some Canadians, I don't remember if there were very many more.

Q. The Canadians, you remember how many about, who....

A. There were quite a few Canadians killed when we received the direct hit. There were two brothers, I think, Lt Stewart, I don't remember their names very well, rather they were badly injured and they could not leave and remained behind.

Q. You remember the unit the Canadians belonged to?

A. I think they were the Winnipeg Grenadiers.

Q. Which route did you take to North Point from Stanley Gap?

A. Along Stanley Gap down a reservoir and finally landed up opposite the Taikoo Sugar Refinery.

Q. Which reservoir are you talking about?

A. The reservoir - that would be the Tytam - I don't know the exact name.

Q. Were you dressed in uniform or not when you surrendered?

A. In uniform.

Q. What sort of uniform?

A. We had on just khaki. We were armed with rifles. That was about all. We had our great coats.

Q. How were the Japanese armed?

A. They were in khaki and heavily camouflaged.

Q. How do you mean by "heavily camouflaged?"

A. With a lot of straw and greens. They had nettings all round them and they put a lot of greens down their necks.

Q. Could you show the Court with the aid of a map the places you have mentioned to us?

A. Yes.

Prosecutor: May the witness have leave to approach the blackboard, Sir.

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EXAMINATION OF P.W. NO. ■ - F.R. ZIMMERN (cont.):

President: Yes.

Witness approaches the blackboard.

Q. Firstly, could you tell us where Jardine's Lookout is?

A. First of all we were stationed there in the Dockyard. We went up to Jardine's Lookout here (indicates). We retired back to Stanley Gap here (indicates) and then we were taken to North Point.

Q. Which route did you take to North Point?

A. This would be the reservoir....

Q. How many reservoirs did you pass on the way to North Point?

A. Two.

Q. You remember definitely whether you went east, north, south or west from Stanley Gap?

A. We followed the road right down here ■ (indicates) and across here (indicates). We took this road here (indicates), passed this reservoir down here, down here and here (indicates).

Prosecutor: Thank you.

Witness returns to witness box.

Q. You say you were tied to others in groups of nine. Was everybody tied in that manner?

A. Everybody was tied, some even with wires.

Q. In what manner were they tied with wires?

A. I think we were tied with our hands to our backs and then led on. We were tied in batches of nine, one man to his next, and then to the next.

Prosecutor: No further questions, Sir.

CROSS-EXAMINATION OF WITNESS:

Defence Counsel: What did you do with the arms you had when you surrendered?

Witness: We had put them in the company stores, we just left them behind as we came out.

Q. How far apart was the distance between the company's storehouse where you stored your arms and the place where you were detained?

A. Within five yards. To the place we were....? It is just beside the road.

Q. Between the small shed where you were first taken to and that storehouse?

A. The shed was just on top of the storehouse, it overlooked the storehouse. It meant going round by the road, but actually it was just above.

Q. What was the distance?

A. Matter of about five yards, but if you had to go from the store to the dining room it meant going about 30 or 40 yards. Like this, on top here you can't climb up, you got to go round like that.

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CROSS-EXAMINATION OF P.W. NO. ■ - F.R. ZIMMERN (cont.):

Q. The place was at Stanley Gap?
A. At Stanley Gap.

Q. I think you said you saw Lim being killed. How was he killed?

A. He was trod on. He was to my left, I could see him from the corner of my eye. Several Japanese jumped on his head when he fell down. They jumped and trod on his head.

Q. How did he fall?

A. They pushed him over.

Q. When he was pushed down...?

A. We were all kneeling then. We were taken on to the road and made to kneel and then when you just give a man a push from behind naturally he would fall over. We were all in a kneeling position.

Q. Did you say you were with Cheung Siu-ling at that time?

A. Yes.

Q. Was he close by you?

A. He was behind me.

Q. Cheung Siu-ling states that Lim was stabbed to death?

A. He might have been, too, but he was also trod on. I did not see the bayoneting but I did see many soldiers, two or three, jump on his head. He might have been stabbed, I don't know. I saw him trod on. When I left he was in the front row and his head was absolutely flat as a pancake. There was plenty of blood oozing from his head. He was trod on so hard that the head did not resemble a head any more.

Q. You did not see Lim actually dying?

A. Well, when we left he was incapable of moving. He looked very dead to me anyway.

Q. Does that mean you only saw Lim in an immovable state?

A. Naturally we did not go up to Lim. We were just a few yards away. We had only to surmise. We cannot say definitely. When we came out the next day his body was still lying there.

Q. What kind of soldiers were the Japanese at the time when you gave up?

A. They were infantry.

Q. Only infantry?

A. As far as I could see, Yes.

Q. How were the legs of the Japanese...

A. Some had brown shoes and some had those Japanese shoes, you know, these Formosan things with black and rubber soles. There were some brown shoes and some black rubber shoes with the toe out.

Q. Did you actually see the things the Japanese used when they hit you. What sort of weapons did they use when they struck you men?

A. Some had rifles, they were very small calibre rifles and repeaters. They all had small rifles, I think they were .202 rifles.

Defence Counsel: No further questions, Sir.

Re-examination declined.

No Questions by the Court.

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Prosecutor: Now, Sir, the position at the moment is the next witness I am calling is unable to attend, so in order that the Court should not be prevented from sitting any further I shall now have to call another witness out of order. Before I do that I should like to read some affidavits in this particular instance in order to get the Court into the picture.

President: Affidavits that have not already been read?

Prosecutor: That's right, Sir. This afternoon, Sir, I shall be calling witnesses also on the incident you have heard about this morning, but in order not to have a breakdown in the proceedings I will have to call witnesses out of order.

Prosecutor: I am now going to read affidavits as regards the events in Repulse Bay area, a house called "Eucliffe" and another called the "Ridge."

Prosecutor reads a statement made by CSM F.W. Hamle, RASC.

Prosecutor: I shall now read the sworn affidavit of C.D. Johnston, Exhibit "M".

Prosecutor reads the affidavit of C.D. Johnston.

President: Affidavit of Lt Johnston, marked Exhibit "M", paragraphs 4, 5 and 9, not been noted by the Court.

Prosecutor: Now, I would like to read the sworn affidavit of Pte C.J. Dicks, exhibit "N".

Prosecutor reads the affidavit of Pte C.J. Dicks.

Prosecutor: I should now like to read the sworn affidavit of Cpl R.J. Hebert, Exhibit "O".

Prosecutor reads affidavit of Cpl R.J. Hebert.

President: Affidavit of Cpl Hebert, Exhibit "O", paragraph 4, not been noted by the Court.

Prosecutor: I should now like to read the sworn affidavit of J. N. B. Crawford, Exhibit "P".

Prosecutor reads affidavit of Lt-Col. J.N.B. Crawford.

Prosecutor: I should now like to read the statement of Lieut. W. Markey, R.A.O.C. Exhibit "Q".

Prosecutor reads affidavit of Lieut. W. Markey.

President: Major Ormsby, regarding Exhibit "Q" the statement by Lieut. Markey, on the original of this statement there seems to be a lot more than you read out. There is also a statement signed by Capt Banfill, R.C.A.M.C. Do you know anything about that?

Prosecutor: Only the parts relevant to the case, sir, I have read out.

President: I think we should get this point cleared up. If this is not going to be put into evidence, it should be so stated in the proceedings.

Prosecutor: Yes, sir. Will you take cognizance only of what I read out?

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President: I don't know, really, why all this has been submitted to the Court. Would you like to look at it?

Prosecutor: The only portions I am using are the pages 41, 43, and 45. On the next page to 45 some other stuff is written which I am not using.

President: And a lot more after that.

Prosecutor: I am not using that. I had to put in the whole of it because on page 45 appears the signature.

President: Delete all the rest except what you read?

Prosecutor: Yes, sir.

P.W. NO. ⁵ - HENRI BOESVELD

The witness is sworn.

EXAMINATION BY THE PROSECUTOR.

Q. What is your name?
A. Henri Boesveld.

Q. Your age?
A. 41.

Q. Present occupation?
A. Merchant.

Q. Present address?
A. Gloucester Hotel.

Q. Where is that?
A. Here in Hongkong.

Q. Where were you in December, 1941?
A. I was here in Hongkong.

Q. What part of Hongkong were you in?
A. Repulse Bay Hotel.

Q. What were you doing there?
A. I was with the A.R.P.

Q. Will you explain what A.R.P. means for the record?
A. Yes, it is Air Raid Precautions.

Q. Were there any other persons from that organisation staying at that Hotel with you or were you the only one?
A. There were about six or seven other members.

Q. Were you still there on the outbreak of the Pacific War?
A. I was.

Q. Will you tell us the story of what happened, right from the beginning?
A. It was on the 19th or 20th of December that we found ourselves surrounded in the morning by a Japanese force.

Q. Did you see this Japanese force yourself?
A. Yes. I saw them coming from the hill coming from Hongkong.

Q. Where is this hill situated that you saw them come from?
A. Along the Eucliffe building.

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EXAMINATION OF P.W. NO. ⁵ - HENRI BOESVELD (Contd).

Q. Then what happened?

A. Then we had a fight for three days.

Q. Were you in the Hotel during those three days?

A. I was.

Q. Then what happened?

A. On the 22nd, in the evening, a Canadian major in charge of the troops requested us the A.R.P. to surrender the Hotel next morning.

Q. Were there any Canadian troops in the Hotel at that time?

A. The Canadian troops went about 12 o'clock, and 1 and 2 o'clock in three batches.

Q. Do you know what unit that was?

A. No, sir.

Q. Remember the name of the officer in command?

A. No.

Q. Then what happened?

A. Very early in the morning, about 7 o'clock, a few Japanese troops came from the backside of the Hotel.

Q. What date would that be?

A. That was on the 23rd, I think.

Q. Then what happened?

A. As I spoke a few Japanese words -- I have been in Japan -- I went forwards and started a kind of surrendering the Hotel.

Q. To whom were you speaking?

A. I don't know the distinction between an officer and a private.

Q. How many Japanese were there at the time?

A. Around about 10.

Q. Were they armed at all?

A. Yes.

Q. With what?

A. With rifles.

Q. What happened in that conversation? What took place?

A. They did not actually know what to do and then they went back to the Hotel garage.

Q. How far was that garage from the Hotel?

A. It is about 100 yards.

Q. Then what happened?

A. Actually I had said to the Japanese that there were no troops in the Hotel, that we were definitely only civilians, and immediately after that, the Japanese went away and there came some eight Indians from upstairs.

Q. What were these Indians?

A. Troops, sir. As I thought we might get into trouble, as I had just said there were no troops in the Hotel, I ordered them to take off their equipment and run away.

Q. Did they run away?

A. They did. I never saw them again.

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EXAMINATION OF P.W. NO. - HENRI BOESVELD (Contd).

Q. Then what happened?

A. Then came a party of Japanese under the command of an officer and they ordered us to get the equipment in the Hotel and put it in heaps.

Q. What time would that be approximately?

A. On the 22nd, in the morning.

Q. I think just a moment ago you said the 23rd?

A. I mean the 23rd.

Q. When you were told to put the equipment in heaps, what happened after that?

A. I cannot remember very well whether it was the same afternoon or the next morning that we were ordered to line up in front of the Eucliffe house.

Q. How far is this Eucliffe house from the Hotel?

A. I would say about 150 yards.

Q. What happened when you were ordered to line up there?

A. There were some Japanese military, among others one interpreter. When we were there then a higher ranking Japanese officer came along out of Eucliffe building.

Q. You know who that officer was?

A. Yes, only last year I happened to know him.

Q. Who was it?

A. General Tanaka.

Q. What happened then?

A. We got a kind of speech in which was said that the Japanese did not make any distinction between civilians and military and that we actually should be shot.

Q. Was this speech made through the interpreter or direct?

A. Through the interpreter.

Q. Then what happened after he had given his speech?

A. We went back to the Hotel. Then on the next morning, the 24th, we were ordered to take a small handbag and to march.

Q. Referring back to this speech on the 23rd, did anything happen prior to that speech?

A. Yes, a car came from the direction of Hongkong with a Belgian in uniform who was very badly wounded.

Q. What happened to him?

A. He was taken out of the car and taken into Eucliffe.

Q. Who took him out of the car and took him into Eucliffe?

A. The Japanese troops.

Q. Do you know that person's name by any chance?

A. I have forgotten it now.

Q. Are you sure of that nationality?

A. Yes, he spoke French and he told us he was a Belgian, and I speak French.

Q. Continue with the happenings on the 24th?

A. On the 24th we were marched off to North Point.

Q. Which way did you march off?

A. Along Eucliffe to Wongneichong and then along Blue Pool Road to North Point.

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EXAMINATION OF P.W. NO. 1 - HENRI BOESVELD (Contd).

Q. Did you see anything en route?

A. We saw many bodies. There were definitely a few whose hands were bound at the back and presumably shot.

Q. Where did you see these bodies? Starting from the Hotel, where was the first place you saw a body?

A. Coming from the Hotel along Eucliffe and then one way towards Wongneichong Gap and the other way to the Golf Club. From there on we saw bodies all over the street.

Q. Were there any indications as to what unit these men had belonged to?

A. You mean the bodies?

Q. Yes.

A. I have seen Canadians, British and I have seen even the bodies of Naval Reserve.

Q. How did you know they belonged to these various units?

A. Well, we have seen so many of them. I was there when the war started and knew who were Canadians and who were British and others.

Q. Were these bodies lying in groups or were they just single bodies along the side of the road?

A. They were partly in groups and partly scattered all along the road.

Q. Could you give us rather more definite indications where you saw them? Between which points you saw them?

A. Exactly from the crossing, one way going to Wongneichong Road and to the Golf Club, from about 40-50 yards from there until nearly Wongneichong Gap.

Prosecutor: No further questions, sir.

CROSS-EXAMINATION BY DEFENCE COUNSEL.

Q. Can you show the places where you saw the bodies on the map?

A. I can.

Prosecutor: This witness will be taken out to the scene he had been describing, if that will help the defence, sir.

Defence Counsel: I will rather ask on that occasion later.

Prosecutor: But that does not mean you cannot ask him on the map now.

President: Do you wish the witness to point it out on the map?

Defence Counsel: With the permission of the Court then, I will ask the witness to go up to that map.

President: Will you point it out?

Witness approaches map on black-board and indicates various places.

Prosecutor: Do you want any map references, sir?

President: Not unless the Defence Counsel wishes it.

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CROSS-EXAMINATION OF P.W. NO. 1 - HENRI BOESVELD (Contd).

Defence Counsel: Can you give the map references?

Witness indicates.

Prosecutor: 584 933 which is the place where he first saw the bodies. Repulse Bay Hotel 591 934; Eucliffe 588 932.

Defence Counsel: No further questions, sir.

RE-EXAMINATION DECLINED.

NO QUESTIONS BY THE COURT.

Prosecutor: I have no further witnesses this morning,
sir.

President: What do you propose to do this afternoon?

Prosecutor: I am still leading evidence on the Stanley Gap atrocities. There was to have been a witness coming this morning, but I have since received a note saying that he is unable to come. I will have witnesses definitely this afternoon sir.

President: Very well. Court is adjourned until 2.15
this afternoon.

ADJOURNMENT

At 1155 hours the Court adjourned to 1415 hours.

RESUMPTION

At 1420 hours the Court re-assembled pursuant to adjournment, the same members as at adjournment being present.

P.W. NO. 6 - EDWARD CHARLES FINCHER

Witness is sworn.

EXAMINATION BY PROSECUTOR:

Q. What is your name?
A. Edward Charles Fincher.

A. Edward Charles Fincher.

Q. Age?

A. 46.

Q. Present occupation?

A. Falconer and Co., Kowloon.

Q. Your present address?

A. 11 Salisbury Road, Kowloon.

Prosecutor: May I lead in some of the formal questions?
President: Yes.

President: Yes.

Q. Were you a member of the HKVDC in December, 1941?
A. Yes.

A. Yes.

Q. You were Company Quartermaster Sergeant, is that correct?
A. That is correct.

A. That is correct.

Q. You were at Wongneichong Gap from December 19, is that correct?

A. That is correct.

[illegible]

EXAMINATION OF P.W. NO. 6 - EDWARD CHARLES FINCHER (Contd)

Q. What company did you belong to at that time?
A. No. 3 Machine-gun Company.

Q. Were you part of a detachment out there?
A. I was in charge of stores there.

Q. How many men did you have with you at that time?
A. I think about 14.

Q. Do you remember any of their names?
A. Zimmern, Lim, Winyard, S.L. Cheung.

Q. Were you in that position when the Japanese came to Hongkong?
A. Do you mean when they first attacked Hongkong.

Q. Yes.
A. We were at Stonecutters when they first attacked Hongkong.

Q. When did you move up to Wongneichong Gap?
A. I think it was about the 13th or 14th.

Q. Were you there when the Japanese overran the position?
A. Yes.

Q. Will you tell us what happened in sequence of events?
A. We were taken prisoner, about 20 of us, in the afternoon of the 19th and we were led out to the road. Our hands were tied tightly behind our backs.

Q. Who led you out to the road?
A. A Japanese soldier; I don't know what rank.

Q. How were the Japanese soldiers dressed?
A. A lot of them wore camouflage nets and others were in plain uniform. I cannot remember the colour of the uniform now.

Q. Were you and your party dressed in uniform or not?
A. Yes.

Q. What sort of uniform?
A. I personally was dressed in khaki cardigan with my rank, khaki shorts and puttees, boots and so on.

Q. What happened when you were tied up?
A. At the time I was being searched by a Japanese officer.

Q. How did you know he was an officer?
A. He had a sword. Troops were moving up all the time. One of the soldiers on seeing us yelled in English "You (meaning us) killed too many Japanese." With that he made for some fellows at the back of me with his rifle lowered. I heard a couple of groans but I did not see what took place. The officer who was going through my pockets at the time made no attempt to stop this fellow. I was also threatened by this officer with his sword, also Zimmern who was next to me.

Q. How many Japanese soldiers were around you at this time?
A. I personally only saw one, the one in front of me--the officer. I was in the front rank.

Q. What happened after that?
A. As we were led away we passed the bodies of three men of my company.

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EXAMINATION OF P.W. NO. 6 - E.C. FINCHER (Contd)

Q. Who were these three men?

A. Lim, Gosling and McKechnie.

Q. In what condition were the bodies?

A. They were huddled on the ground, lying in a pool of blood.

Q. Where had they been standing in that party?

A. I should think about three or four rows behind me.

Q. What happened after you saw these bodies?

A. We were led straight up to an army mess hut, a very small hut. There we met a lot of other prisoners, British troops, Indians and Canadians.

Q. What was the size of this place roughly?

A. Roughly I should think about 30 x 15 feet.

Q. About how many of you were in that place?

A. I reckoned about 200.

Q. Then what happened?

A. That evening we had a visit by a Japanese officer who spoke in English and said that we were guests of the great Japanese Emperor.

Q. Did anybody speak to him?

A. Yes, we asked him for medical supplies; we had some wounded with us, but none was forthcoming.

Q. Then what happened?

A. Early next morning one of our own trench mortars came through the roof of the hut, causing 20 or 30 casualties.

Q. What happened to the casualties?

A. We had quite a number wounded, the guards were doubled and we asked for medical supplies. We got none. We did our best by binding the wounded with our towels and shirts. We stripped our shirts. We were later told to assemble outside and that we were going to be taken away. We asked for stretchers but we did not get any and we carried two or three of the wounded away with us. The rest were left in the mess hut.

Q. Where did you go to?

A. We were led down Stanley Gap Road and after three hours' walk we eventually got to North Point.

Q. Which road did you take to North Point?

A. Down Stanley Gap and then round Mount Parker to North Point.

Q. In what manner were you made to proceed to North Point?

A. Most of us were bound with rope.

Q. How do you mean bound by the rope? What was bound?

A. Our hands were tied.

Q. Do you remember approximately how many wounded you took with you?

A. Not very many. I should think about three or four. I can give you the names of two whom I remember fairly well.

Q. What were the names?

A. A Canadian officer called McKillip and the other one was Lieut. Field, one of our officers.

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EXAMINATION OF P.W. NO. 6 - E.C. FINCHER (Contd)

Q. Do you remember McKillip's unit?

A. I can't, but either Winnipeg Grenadiers or the Royal Rifles of Canada.

Q. What was Lieut. Field's appointment in the company at that time?

A. He was a Lieutenant.

Q. Did he have any appointment, any special job?

A. He was at Jardine's Lookout in charge of two pill-boxes in that area.

Prosecutor: No further questions.

CROSS-EXAMINATION BY DEFENCE COUNSEL:

Q. On that day were you always with Cheung Siu-ling and Zimmern?

A. No. They came in from one of the posts.

Q. On the 19th when you surrendered, were you not together?

A. When we surrendered, yes.

Q. Where was the exact place where you surrendered?

A. Top of Stanley Gap Road, practically at the top of the gap.

Q. A man called Lim was next to you. How far away was he from you?

A. I said he was behind me.

Q. Can you remember how far away was he from you?

A. I was in the front rank, he was behind me. I did not see.

Q. That is to say at the moment when Lim fell on the ground, you did not see?

A. I did not see how they were killed but I presume it was by a bayonet.

Q. Can you remember what time during the day it was when you surrendered?

A. Some time in the afternoon. I should think it was about four or five o'clock. I cannot give the exact time.

Defence Counsel: No further questions.

RE-EXAMINATION BY PROSECUTOR:

Q. Why can't you give us an indication of the time when you surrendered?

A. It was in the afternoon.

Q. Did you look at the watch at the time?

A. I did not have a watch.

Q. Did you ever have a watch?

A. I did.

Q. Did you lose it on that day?

A. Yes. I was stripped of all my belongings, what I had in my pockets and so forth.

President: The Witness may stand down.

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P.W. NO. 7 - JAMES ■ RISLEY WINYARD

Witness is sworn.

EXAMINATION BY PROSECUTOR:

Q. What is your name?

A. James Risley Winyard.

Q. Your age?

A. 29.

Q. Present occupation?

A. Technical staff, Jardine's aircraft maintenance department.

Q. What is your present address?

A. 43 Hillwood Road, Kowloon.

Q. Were you with the HKVDC on December 19, 1941?

A. Yes.

Q. What rank did you hold at that time?

A. L/Corporal.

Q. Where were you stationed?

A. Off Wongneichong Road up Stanley Gap.

Q. How far up that Stanley Gap Road were you from Wongneichong, do you remember?

A. About 800 yards.

Q. What particular unit were you serving with at that time?

A. No. 3 Machine-gun Company.

Q. What happened on that day, can you tell us in sequence?

A. We got the stand-to signal about 12 o'clock on the night of the 18th, and we stood to all night until the next morning about 7 o'clock, I think, when we first saw the Japanese. They were facing us from the direction of Wongneichong Gap Road.

Q. How would you describe the position you were in at that time? Was it a house or piece of ground?

A. It was an open piece of ground and behind us was a latrine.

Q. Remember any of the names of the people who were with you at that time?

A. Yes, There was a chap named Mogra and Anderson, Fincher, McKechnie, Gosling, Young, Zimmern.

Q. What happened after you stood to?

A. We opened fire, they returned, and after the situation was considered hopeless we went into the block house which was up Stanley Gap.

Q. When you say we, who do you mean?

A. All those who were out with me.

Q. How many would that be approximately?

A. In my section alone there were at least six to eight.

Q. What happened then when you went to this pill-box?

A. I should think it was late in the afternoon when the Japanese came up to the gap and we were asked to get out of this block house.

Q. Who asked you to come out?

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EXAMINATION OF P.W. NO. 7 - J.R. WINYARD (Contd)

A. I think there was a Japanese. I should say he was an NCO but I wouldn't know. He pointed a revolver at us and asked us to come out.

Q. What happened then?

A. I think we were then lined up in rows facing Sir Cecil's Ride, not towards Wongneichong Gap Road but in the other direction, facing east. I think we were made to kneel, and then I saw the Japanese--they were rather frenzied, I suppose--waving rifles and one especially I remember waved his sword scabbard around, hitting various people on the head.

Q. How many were there of you in this particular group at that time?

A. The group, I think, we swelled up to about 30 to 40.

Q. How many Japanese were around you at that time?

A. I cannot say. There were at least half a dozen. I could see ahead of me but I didn't know what was behind.

Q. Then what happened?

A. Then we were made to stand up and our hands were tied. After that as we were being led away I remember three in particular--Gosling, Young and McKechnie--being roughly handled by two Japanese, I think.

Q. In what way were they being manhandled?

A. McKechnie, I think, was ju-jitsued after which he was bayoneted.

Q. Did you see that with your own eyes?

A. Yes.

Q. What part of the body was he bayoneted?

A. I think it was just around the stomach. Gosling I remember was hit over the head with a pick and then they bayoneted him too.

Q. What happened to Young?

A. I don't quite remember what happened to Young but I know he was bayoneted.

Q. Why are you so certain?

A. Because next day as we were being led away via Sir Cecil's to North Point camp I recognised Young in the group. *Ride*

Q. You are going a little too fast. What happened just after you saw those three men being ill-treated. What was the next thing that happened?

A. We were led up to a mess-hall hut above the blockhouse at Stanley Gap.

Q. What happened when you got into the mess hut?

A. We had our hands tied behind our backs and they crammed us all in there for the night.

Q. Who were in that hut with you?

A. Included in the company was Fincher, Mr B.C. Field, Hall, and I think there was a lieutenant of the Canadians, by name of McKillop, I think. I cannot remember very many other names.

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EXAMINATION OF P.W. NO. 7 - J.R. WINYARD (cont.):

Q. Then what happened?

A. We were left there for the night and the next morning a shell came in, fell through the roof and exploded, killing about half a dozen and injuring about 12.

Q. Yes.

A. Half an hour after, we were led out of this mess-hall and re-tied in groups because we had loosened off these ropes and we managed to get our hands free. We were retied into groups of about six and I should think we were led off via Sir Cecil's Road to North Point.

Q. Just before you were led off, did you see anything?

A. Yes, I recollect seeing the three bodies I just mentioned, Young, Gosling and McKechnie.

Q. Were they in the same position you saw them the day before or what?

A. Yes, Sir, they were in the same position.

Q. The time when the Japanese started to man-handle you after you had come out of that hut to surrender, were your hands tied?

A. Thinking over the thing I think they were tied as we were being led off ^{from} this mess-hut, I am not too sure, though.

Prosecutor: No further questions, Sir.

CROSS-EXAMINATION OF WITNESS:

Defence Counsel: You said just now that you saw the three bodies of your comrades. On that occasion, did you see or examine their wounds?

Witness: The Japanese with their rifles and bayonets prodding you along, I don't think you would have any chance of examining anybody's wounds.

Q. Then you are not able to be very sure that they had been bayoneted?

A. Well, if your own eyes see a bayonet entering a person, I think I myself could say for sure that they were bayoneted.

Q. Then, did you see these three comrades of yours being bayoneted?

A. Yes, at least two. I saw the Japanese soldier in question going up and thrusting his bayonet into their body.

Q. You said two just now, who were these two you are quite sure of?

A. Quite sure of Gosling and McKechnie.

Q. You said late in the afternoon the Japanese reached the place where you were hiding. At what time exactly in the afternoon?

A. I should think about 4 o'clock.

Defence Counsel: No further questions, Sir.

Re-examination declined.

No Questions by the Court.

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Prosecutor: I am now leading evidence again about the "Eucliffe" incident, Sir.

P.W. NO. 8 - J.P. WHITE.

Witness is sworn.

EXAMINATION OF WITNESS:

Prosecutor: Will you state your name?

Witness: John Paul White.

Q. Age?

A. 40.

Q. Present occupation?

A. Costing clerk.

Q. Present address?

A. [REDACTED] Kowloon Docks.

Q. In December, 1941, you were a member of the Hongkong Volunteer Defence Corps, were you not?

A. Yes.

Q. And you were a member of No.2 Scottish Company, is that correct?

A. Yes.

Q. Attached to "A" Company Royal Rifles of Canada, is that correct?

A. Yes.

Q. When the Japanese invaded the Island of Hongkong, where were you?

A. Firstly at Collinson, then at Pottinger and subsequently right down to Repulse Bay.

Q. When did you reach Repulse Bay?

A. On the morning of December 20, 1941.

Q. What part of Repulse Bay did you go to on that date?

A. The hotel.

Q. Who was with you at the time?

A. No.2 Scottish platoon was attached to the "A" Company of the Royal Rifles of Canada and we had to give covering fire and there was already enemy in the garage as each platoon advanced into the hotel.

Q. How far was this garage from the hotel?

A. About 100 yards.

Q. Is it in front of the hotel or to the east or where?

A. Standing in the entrance of the hotel it is to the right front.

Q. To whom were you giving covering fire?

A. Our own [REDACTED] "A" Company and ourselves.

Q. How long did that go on?

A. About an hour.

Q. Yes, then what happened?

A. We got into the hotel and eventually the enemy was driven off the garage.

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EXAMINATION OF P.W. NO. 8 - J.P. WHITE (cont.):

Q. Yes, what happened then, when you got the enemy out of the garage?

A. Now, you want me to go from day to day or...?

Q. We want to get a picture of the position at that time.

A. Once we were in the hotel we sent a patrol out and we knew that the Japanese were on the hill in the catch-water right around us, that is above the hotel.

Q. When did you first know they were up on the hill behind the hotel?

A. When they sent a platoon of the Royal Rifles up to try to get through the Wongneichong Gap; possibly it was about 10 o'clock in the morning, and they were firing on from the hill then.

Q. 10 o'clock on the 20th, is that correct?

A. 10 o'clock on the 20th.

Q. Which route did that platoon take, do you remember?

A. I think it was called Island Road. Coming out of the hotel, you go to the right coming up towards town up into Wongneichong Gap.

Q. In fact they were told to take the main road, is that correct?

A. Yes.

Q. Yes, continue.

A. They came back very shortly afterward. There were quite a number of casualties among them. The same thing was attempted several times during the day time. On the morning of the 22nd - I may be mixed up with my dates now - but on that morning the hotel was trench-mortared. Our platoon went out on to the roadway and beat off an attack as we were on the high hill. The mortar was coming from that high hill, just before you arrive at the hotel, you know, the road comes round. We silenced the mortars and then we went up to the left of the hotel where there were machine guns which were giving us some trouble. They were on the next spur and we could not get at them. We went back into the hotel and that night we were told that we were going to act as cover to a party of civilians who were attempting to evacuate, and possibly round about 7 or 8 o'clock we were told to take off our boots - sort of soft-footed action - and proceed to the bridge. We got there about 9 o'clock, the bridge by the way is over the South Beach Road. About 11 o'clock there was a sharp action during which I was a casualty and made my way back to the hotel.

Q. What part of the body did you receive the wound?

A. My left foot was broken.

Q. Yes.

A. When I got into the hotel I was put to bed and a few minutes later L/Cpl Lowry came in with his arm badly shot up. Sister Mosey, who was the resident sister of Repulse Bay Hotel at the time stripped Lowry and myself of all military equipment and told us that she would do any talking that was necessary. About 5 o'clock in the morning there were shots outside and Japanese voices calling on us to surrender. I believe that a white flag was already hoisted on the lawn prior to the shots.

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EXAMINATION OF P.W. NO. 8 - J.P. WHITE (cont.):

Q. What date was that again, Mr White?
A. Morning of the 23rd.

Q. Yes.
A. When the Japanese did come in they asked in English who we were and a by-stander said we were soldiers. The Japanese immediately went for me with a bayonet and Sister Mosey placed. [REDACTED]

Q. Who were these Japanese who came in, who were they?
A. Soldiers.

Q. How were they dressed?
A. In normal Japanese uniforms with bold type hat, tin helmet.

Q. Were you in a room at that time?
A. At the back of the dining hall there was a small lounge or cocktail bar which was used as a hospital.

Q. Was anybody else in that room besides Lowry, yourself and Sister Mosey?
A. Yes, at the time of the entry of the Japanese, the door which they entered was just behind a screen which divided the hospital bay and there were present Mrs Logan, who was the housekeeper of the hotel, Miss Matheson, manageress and a girl, Manners, I think. They were standing, I would not say inside, but just by the screen where the Japanese were coming in.

Q. Were there any other people in that room who were wounded like yourself, besides you and Lowry? When they came in to that room in what position were you?
A. Lying in bed.

Q. Yes, will you now tell us what happened?
A. As this by-stander said we were soldiers, a Japanese came at me with his bayonet and Sister Mosey, moving remarkably fast, placed herself directly in front of the bayonet and said that I was a sick man. She managed to get her hand on the bed clothes, threw them over and showed my foot in splints. He finally backed away and the Japanese troops that came in at that time withdrew to return sometime later in the morning about, I should think, 7 o'clock when they occupied the place properly.

Q. Yes, what happened next?
A. During that day there were innumerable Japanese officers coming in and tried to question us, and there was only one occasion during that day when Lowry and myself were left alone for a few minutes that I was beaten up [REDACTED] because I did not seem to give the right answers to the questions I was asked. The civilians were taken out on the lawn at the orders of some high-ranking Japanese officer, and we were supposed to go with them, but Sister Mosey protested that we were wounded. She went up to this officer after which she said it was all right and we stayed put.

Q. What date was that?
A. Still the 23rd.

Q. Do you know Bowman Road Hospital?
A. I do.

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EXAMINATION OF P.W. NO. 8 - J.P. WHITE (cont.):

Q. Have you ever been a patient there?

A. Yes, I was taken from Repulse Bay in an open truck with Lowry and another who was brought in later - a Middlesex man - to Stanley Gaol, then to the Fort, and I think it was on the 29th or the 30th we were transferred to Bowen Road Hospital.

Q. Did you meet anybody in that hospital?

A. Yes, I met casualties from various places, also one who was not quite so fortunate as I who had been caught outside the Repulse Bay hotel, Staff/Sgt Hamel, Hamlin, but the first syllable was Ham in any case.

Q. To what unit did this Staff/Sgt belong, do you know?

A. Staff/Sergeant R.A.S.C.

Q. Did he say anything to you?

A. Yes, he had a peculiar wound, and we were all very interested in it. He told the story that he had been lying down on the bank in "Eucliffe" along with some other lads and shot through the back of the neck. He had a mark at the back of his neck and the bullet came out on his cheek. He said he had been shot by the Japanese at that bank, and he had rolled down and made his way to, I believe, the Queen Mary Hospital originally.

Q. Did he say anything about the rest of that party or not?

A. Yes, he believed them to be all dead when he left.

Prosecutor: No further questions, Sir.

Cross-examination declined.

No Questions by the Court.

P.W. NO. 9 - MRS. B. WARD.

The witness is sworn.

EXAMINATION OF WITNESS:

Prosecutor: What is your name?

Witness: Mrs Ward.

Q. Present address?

A. 54, Kennedy Road.

Q. Did you make a statement once to the War Crimes organisation?

A. Yes.

Q. Under what name did you make this statement. This is purely for the record, to help my friend.

A. Madame Beatrice Ohl.

Q. Where were you in December, 1941?

A. Repulse Bay Hotel.

Q. Were you there when the Japanese came into the Island of Hongkong?

A. I was there from December 11.

Q. When was the first occasion you saw the Japanese troops?

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EXAMINATION OF P.W. NO. 9 - MRS. B. WARD (cont.):

A. December 23.

Q. Will you tell us the events that occurred before the Japanese troops came in that vicinity?

A. We had Japanese troops [redacted] outside the hotel and surroundings and they were firing. Until the troops actually came in, nothing happened in the hotel.

Q. What date was this you heard the firing?

A. About December 20.

Q. Were there any troops in the hotel at that time - on the 20th?

A. I think troops came in either on the 19th or the 20th.

Q. What troops were they?

A. We had Canadians and I think there were Volunteers, but I am not quite sure.

Q. For how long did these troops remain in the hotel?

A. Until the night of the 22nd when they left about midnight.

Q. What was the next thing that happened after the troops had left the hotel about midnight on the 22nd?

A. On the night of the 22nd nothing, but on the morning of the 23rd we put a white sheet out on the lawn at [redacted] about 5 o'clock in the morning. The troops came in about 7.30. At about 8.30 all the residents of the hotel were taken over to "Eucliffe."

Q. Where is this place "Eucliffe?"

A. The residence of Mr. Eu Tong-sen, right near the hotel, next to the hotel garage.

Q. Yes, then what happened?

A. I did not go to "Eucliffe". I stayed in my room. The residents were brought back and we were all called downstairs, I think it was about 9.30 then.

Q. How many Japanese were around the place at that time?

A. There were quite a lot, I cannot tell exactly how many.

Q. More than 20 or 30 you mean?

A. Yes.

Q. Yes, what happened then?

A. We were called downstairs to the dining room and we were told not to pay any attention to whatever went on outside.

Q. Who said that to you?

A. That was a General who gave that order.

Q. General, did you say?

A. I think he was, I cannot say exactly.

Q. Did he speak in English to you or did he use an interpreter?

A. It was interpreted.

Q. Were the Japanese troops armed, the troops you saw in that vicinity at that time?

A. Yes, they were all armed.

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EXAMINATION OF P.W. NO. 9 - MRS. B. WARD (cont.):

Q. In what way, how were they armed?
A. Guns with bayonets fixed.

Q. All right, then what happened?
A. Then, as we were in the dining room we heard shots and I looked out of the window towards "Eucliffe" and I saw, of that I am certain, British soldiers kneeling down. They were on this little path in front of "Eucliffe". There were five on the road and two further on near the wall. Anyway, they seemed to be British soldiers to me because of their khaki uniforms. We were then sent back to our rooms and told not to move but to remain there.

Q. What did you exactly see happening to these soldiers?
A. I saw them kneeling down and I heard shots and just as the shots went bodies began to fall sideways.

Q. Did you see who had fired these shots?
A. The Japanese soldiers.

Q. How far were the Japanese soldiers from the British soldiers?
A. One and a half feet to two feet.

Q. Do you know approximately how many Japanese there were around that party at that time? Can you give it roughly, more than 10?
A. I think about 15, but I cannot say for certain. I am sure that all the troops were armed, because before I had seen a Chinese coolie bayoneted in front of the hotel.

Q. What date was that you saw this Chinese bayoneted?
A. 23rd when the troops came in, morning.

Q. Where did that happen?
A. That happened, I am not sure whether it was when we went back to our rooms after shooting the soldiers or before. I am not quite sure. Personally it was before because we had a room in the west wing and the Japanese soldiers were running along with bayonets and coolies were sitting on the steps, not the steps leading down from the main entrance of the hotel but to the side. They just pulled him out and bayoneted him. Another soldier came, there were three, and after that they shot him.

Q. How was this Chinese dressed?
A. Just like a coolie, in coolie clothes.

Q. Continue with the story after you saw these British soldiers shot?
A. We went back to our rooms, we were very quiet and the next morning, the 24th, all the British people were taken away. We being neutral, remained on until January 3. The only thing that happened in between the 24th and January 3 was, I think, about the 27th when some British soldiers came with mattresses and kerosene. They put them on top of these bodies and set them on fire. The Japanese came and kicked the bodies into the sea. That was the only thing that happened.

Q. These were the same bodies you had seen on the previous occasion?
A. Yes.

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EXAMINATION OF P.W. NO. 9 - MRS. B. WARD (cont.):

- Q. Were the Japanese present when the bodies were burned?
A. Yes, they were present, because one of the coats had some hand grenades and they went off, and I saw three Japanese fall.
Q. Where do you say they disposed of these bodies?
A. They just kicked them down into the sea.
Q. Did you see these bodies again or not?
A. No.

Prosecutor: No further questions, Sir.

Cross-examination declined.

QUESTIONS BY THE COURT:

President: You mentioned a General who spoke to you on the lawn. Who was the General?
Witness: I think it was Tanaka, I cannot say for sure.

Prosecutor: I have no further witnesses this afternoon, Sir.
President: Your next witness will be available to-morrow morning?
Prosecutor: Yes, Sir.

President: The Court will adjourn until 10 o'clock to-morrow morning.

ADJOURNMENT.

At 1610 hours the Court adjourned until 1000 hours on Wednesday, January 21, 1948.

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Lt-Col. Warwick.

P.B.

Trial of:

Limut-Gen. Ito Takeo.

3rd Day.

Wednesday, January 21, 1948.

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NO. 7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
WEDNESDAY, January 21, 1948.

3RD DAY'S Proceedings in the Trial of:
Lt-Gen. ITO TAKEO, of the Imperial
Japanese Army.

At 1025 hours on Wednesday, January 21, 1948, the Court
re-assembles pursuant to adjournment. Present: The same
members as at adjournment on Tuesday, January 20, 1948.

P.W. NO.10 - YIM HUNG.

Witness is sworn.

EXAMINATION OF WITNESS:

Prosecutor: What is your name?

Witness: Yim Hung.

Q. Age?

A. 32.

Q. Present occupation?

A. I am working as a "boy".

Q. Where is your present address?

A. Maryknoll Mission, Stanley.

Q. Where were you in December, 1941?

A. I was living at the Maryknoll Mission in Stanley.

Q. Were you there ^{when} the Japanese came in?

A. Yes, I was there.

Q. You remember on what date they came?

A. On the morning of December 25.

Q. That is the same year, is it?

A. Yes.

Q. Will you tell us what happened on that day, from the
beginning?

A. In the morning the Japanese soldiers came to the house.
They told us to gather to one side and they told the fathers
to gather on the other side. Then they took a father down
along the hill and Ah Leung and myself took some blankets to
cover the wounded soldiers.

Q. Who was the father, what was his name?

A. Father Tooney and there were altogether 32 fathers.

Q. How long ^{had} these wounded soldiers been there?

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EXAMINATION OF P.W. NO. 10 - YIM HUNG (cont.):

Q. These soldiers were wounded on the night of the 24th.

Q. What soldiers were they, Japanese, British or what?
A. They were wounded British soldiers.

Q. Yes, go on. Tell us what happened?

A. Then the fathers were taken into a garage at the foot of the hill and kept there for three days without any food given to them. We were ordered by the Japanese to work for them as coolies, carrying dead bodies and sometimes ammunition.

Q. What happened to the wounded British soldiers after you covered them with blankets?

A. We were not there and therefore we did not know what happened to these wounded people.

Q. Did you see anything happen to any British soldiers whilst you were there?

A. The British soldiers who were at the Maryknoll and who were not wounded were taken down the hill and were killed.

Q. Did you see them killed?

A. I saw the killing myself. I was on one side of the road and these soldiers were being killed by the Japanese on the other side of the road. They were bayoneted.

Q. How far from the Maryknoll building did this happen?

A. The mission was on top of the hill and this took place at the foot of the hill, I should say about a mile.

Q. If I asked you to, could you show me the spot on the ground?

A. Yes, I remember the spot.

Q. Were these soldiers lined up in any way before they were killed?

A. Yes.

Q. What makes you say they were British soldiers?

A. Because these British soldiers had been staying at the Maryknoll for some time. We were taken down to the foot of the hill and I saw them killed, so I can say they were British soldiers.

Q. How many were there of them?

A. It was a terrible sight and I cannot remember clearly, but it was about 10 or 12.

Q. Were they wearing a uniform at that time, these British soldiers?

A. They were in uniform.

Q. Do you remember any of their names?

A. I don't remember.

Q. Were they all ordinary soldiers or were there any officers there?

A. There were officers who had three stars.

Q. Where were the three stars?

A. On the shoulder. Also there was a person with two stars.

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EXAMINATION OF P.W. NO. 10 - YIM HUNG (cont.):

there
Q. Were any other people besides the people with three stars and two stars on their shoulder?

A. There were privates besides them.

Q. How many Japanese soldiers were doing this bayoneting?

A. Around 30.

Q. How were they dressed, the Japanese?

A. They were dressed in their uniform.

Q. What happened to the bodies of the British soldiers?

A. The Japanese ordered us to dig holes and these dead bodies were buried.

Q. When did they order you to dig the holes?

A. On the evening of the 26th.

Q. If I asked you, could you show me the place where those bodies were buried?

A. Yes, I can do so.

Prosecutor: No further questions, Sir.

CROSS-EXAMINATION OF WITNESS:

Defence Counsel: When was it that you were made by the Japanese to work for them at Stanley?

A. We were told to do the work for them on the 25th, 26th and 27th and then we were told to carry canvas beds out to Hongkong.

Q. From what time of the date was it that you were told to work for the Japanese?

A. From about 12 o'clock on the 25th up to about 6 o'clock in the evening that day.

Q. What time of the day was it that the British soldiers were killed?

A. About 12 o'clock on the 25th.

Q. Were you not out on the work for the Japanese on that day?

A. Yes.

Q. At which place did you work for the Japanese?

A. I was carrying foodstuffs down to the foot of the hill from Maryknoll and also carrying ammunition up to St Stephen's College.

Q. Was that place where the British soldiers were executed on the way where you passed when you went to the work site?

A. At that time we had not started working yet. We were taken down there and we were sitting on the ground.

Q. Were there any Japanese soldiers on watch over you?

A. Yes.

Q. Did the Japanese allow you to see the execution freely?

A. They did not stop us to see the killing.

Defence Counsel: No further questions, Sir.

Re-examination declined.

No Questions by the Court.

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P.W. NO.11 - LAM SAM-YIN.

The witness is sworn.

EXAMINATION OF WITNESS:

Prosecutor: What is your name?

Witness: Lam Sam-yin.

Q. What is your age?

A. 37.

Q. Present occupation?

A. I am a cook.

Q. Where are you living now?

A. I am living at the Tytam Village in Stanley.

Q. Where were you when the Japanese came to Hongkong in December, 1941?

A. I was at the Catholic Mission, Maryknoll Mission in Stanley.

Q. On what ^{date} did you first see the Japanese?

A. Evening of the 25th.

Q. What were you doing at that time?

A. We were asleep and when morning came the Japanese entered our room and told us to gather together at the point of a gun.

Q. How were the Japanese dressed?

A. Their ordinary uniform.

Q. What were they armed with?

A. They were wearing steel helmets and had sub-machine guns in their hands.

Q. Were there any British soldiers in the Mission at the time?

A. Yes.

Q. How many?

A. There were four or five wounded soldiers and an officer wearing three stars was also there. He was a tall and very stout man.

Q. Had he been wounded?

A. He was not wounded at that time, but later his hands were tied behind his back.

Q. Were they the only British soldiers that you saw there at the time?

A. There were seven or eight who were taken from somewhere else and they were put together later on, and at 3 or 4 o'clock they were taken away.

Q. Were they wounded, this other party?

A. They were not wounded.

Q. Where were the wounded soldiers kept?

A. A path in the building.

Q. Path?

A. Passage in the building.

Q. Did you see them yourself in this passage - the wounded?

A. Yes.

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EXAMINATION OF P.W. NO. 11 - LAM SAM-YIN (cont.):

Q. Do you know on what parts of the body they received the wounds?

A. Some were wounded on the legs, some on the head.

Q. How did you know that?

A. Because we could see them.

Q. See what, the wounds?

A. We could see that they were wounded on the legs and heads.

Q. Had their wounds been attended to?

A. Yes, the fathers dressed their wounds.

Q. Were they all lying down or some standing up or what?

A. All of them were lying down.

Q. What happened to these soldiers?

A. At about 4 o'clock one of the Japanese soldiers boiled hot water and poured the hot water on one of the wounded soldiers.

Q. This passage, was it on the ground floor or the first floor or where?

A. It was on the ground floor.

Q. Did anything else happen to these soldiers?

A. Then during the night I heard some cries.

Q. Where from?

A. I was sleeping in the place where we washed clothes and this place was not far from the place where these wounded British soldiers were lying down, so I could hear.

Q. Did you hear anything else?

A. No.

Q. How long did these cries go on for?

A. The cries lasted until about 2 o'clock.

Q. Then what happened?

A. Then silence.

Q. Did anything happen to the wounded soldiers after that?

A. On the next morning I did not see these wounded soldiers there any more.

Q. Do you know what had happened to them?

A. I heard from others that they had been carried away and they had died.

Q. Do you know Brother Hogan?

A. We do not know the European names of the fathers. These fathers had Chinese names and we remembered their Chinese names.

Prosecutor: May I ask the interpreter to write down the characters of the name Hogan and see if he recognizes the name, sir?

Permission is granted by the Court and some Chinese characters are written by the interpreter and shown to the witness.

Witness: Yes, we used to call him Brother Ho.

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EXAMINATION OF P.W. NO. 11 - LAM SAM-YIN (Contd).

Q. Was he there during the events you have just described to the Court?

A. Yes, he was there.

Q. Where is he to-day?

A. He is at Kongmoon (a town in China) now.

Q. Did you know Philip Cheung?

A. Yes.

Q. Who is he?

A. He was looking after the rooms at the place.

Q. Was he there during the time when these events took place which you have just described to the Court?

A. Yes, he was there.

Prosecutor: No further questions, sir.

CROSS-EXAMINATION BY DEFENCE COUNSEL.

Q. Were you ever made by the Japanese to do any work for them?

A. No.

Q. How about the others.

A. Yes, all of them, except two of us, were made to work for them.

RE-EXAMINATION DECLINED.QUESTIONS BY THE COURT.

Q. You mentioned earlier in your evidence that a Japanese soldier poured boiling water on a wounded man. Was this in the nature of dressing his wounds?

A. This Japanese soldier was not trying to dress the wound of the wounded soldier but was pouring hot water on him to burn him.

President: Any questions arising?

Prosecutor: No, sir.

President: The witness may stand down.

Prosecutor: Sir, I am now going to lead evidence on the second charge which deals with the events at St Stephen's College. During the course of the evidence there will be certain evidence in connection with rape of nuns. When live witnesses appear I wish the Court to be held in camera for reasons of delicacy and if any reference is made in connection with the names in the statements read out, I would ask the gentlemen of the Press not to mention the names in the papers.

President: The Court agrees.

Prosecutor: Firstly, the statement of J. Barnett will be read to the Court.

The Assistant Prosecutor reads the statement of Capt James Barnett, Exhibit "R."

President: Of the original affidavit by Capt James Barnett, marked Exhibit "R" the first five pages up to the end of the first paragraph on the page numbered 5 only will be noted by the Court.

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Assistant Prosecutor: I now wish to read Exhibit "S."
The statement of Donat Burnier, Exhibit "S," is read to the Court.

President: Of the original affidavit by Donat Burnier, page 1 and page 2 up to the end of paragraph 6 on page 2 will only be noted by the Court.

Assistant Prosecutor: I now wish to read a further statement by Donat Burnier, Exhibit "T."
The additional statement of Donat Burnier is read to the Court.

Assistant Prosecutor: I now wish to present the statement of R.E. Brady, Middlesex Regiment, which is before the Court as Exhibit "U."

President (after statement is read): There seems to be a paragraph left out of the copy of this affidavit. The penultimate paragraph "I do not know the name of the Japanese soldier and could not recognize him again, but he did have three gold teeth in the front of his mouth. I do not know the names of any other people in the room with me." This is not in the certified true copy.

Assistant Prosecutor: Does it appear in the original, sir?
President: Yes.

Assistant Prosecutor: It appears on my copy.
Prosecutor: For the purpose of the record, the Court need not take cognizance of what was read out in that regard. It is not necessary.

President: The penultimate paragraph of the affidavit of R.E. Brady, Exhibit "U" commencing "I do not know....." and ending "his mouth," will not be noted by the Court.

P.W. NO. 12 - MRS E.A. FIDOE

The witness is sworn.

President: Do you wish to have the Court cleared?
Prosecutor: The first part of the evidence is all right, sir. I will ask the Court to sit in camera later on.

EXAMINATION BY THE PROSECUTOR.

Q. What is your full name?
A. Elizabeth A. Fidoe.

Q. Where are you living now?
A. 17 Bowen Road.

Q. Where were you in December, 1941?
A. From what date?

Q. During December.
A. From December 8 I was in the Military Hospital, Bowen Road, and until the 18th when I went to St Stephen's College, Stanley.

Q. In what capacity did you go to St Stephen's College?
A. As a Nursing Sister.

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EXAMINATION OF P.W. NO. 12 - MRS E.A. FIDOE (Contd).

Q. Were you a trained nursing sister?
A. Yes.

Q. For the record, can we have your qualifications?
A. I am a State Registered Nurse (London).

Q. Did you go there by yourself or with any others?
A. I went up with one other trained Nursing Sister and three V.A.D. nurses.

Q. Were you at St Stephen's when the Japanese invaded the Island of Hongkong?
A. Yes.

Q. On what date did you first know that they had first invaded the Island of Hongkong?
A. On the night I arrived at St Stephen's, on December 18.

Q. How did you know?
A. One other V.A.D. nurse arrived after I did. She told us we had been cut off from Hongkong.

Q. What was the next thing you heard?
A. Well, the next thing I heard -- actually we were too busy nursing during that time -- I knew the Japanese were attacking but did not hear anything more about the invasion until they came into the College on Christmas morning.

Q. Did you hear any firing before that going on?
A. All the time.

Q. What sort of firing did you hear?
A. Sniping, trench mortars, and guns going. As a matter of fact the operating theatre in which I was working was blown up by trench mortars.

Q. From what date did you first hear this firing taking place?
A. On the 19th or 20th, I am not sure.

Q. When was the theatre hit?
A. I think on the 21st.

Q. Was that the only occasion when the building was hit?
A. No, there was an air-raid attack the day before or early on the morning of that day. I am not quite sure.

Q. Were there any wounded British and Allied soldiers in that place at the time?
A. It was full of patients.

Q. Could you give us the approximate number?
A. Over 200, I think.

Q. Do you know the units from which they came?
A. A Canadian regiment, the Royal Scots and Volunteers.

Q. In what part of the building were the patients?
A. Mostly on mattresses in the main hall on the ground floor.

Q. Could you describe this main hall, the best way that you can, to the Court?
A. It was a large hall with a raised dais at one end and at the other end a big door leading out to the gardens. There was a stairway leading up outside and there were railings all around the hall upstairs. There were doors leading off the hall. That's all I can tell you.

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EXAMINATION OF P.W. NO. 12 - MRS E.A. FIDOE (Contd).

Q. Was that hall larger or smaller than this Court-room?

A. Larger, I should think nearly twice the size of this one.

Q. Will you tell us the story of what happened when the Japanese first entered that building on 25th December?

A. There was shelling and sniping going on all day long. The patients were all in the main hall and the staff were -- the majority of them -- gathered outside. There was shelling all night. About a quarter to seven -- anyway it was difficult to know the time, it was dark in the morning -- we suddenly heard shots and cries. I thought at first that one of our own men had gone mad as there were one or two of them who had shell shock. I then realised bayonets poking through the blanket curtains covering the doors. The Japanese had come into the small hall and staircase up on the other side. They ran up the staircase and got amongst us and seemed to be more concerned in taking all our jewellery. The first thing I knew was that a man had his arms up my sleeve and had taken my jewellery. They then burst on to the railings on the other side and started shooting down into the main hall.

Q. How were the Japanese soldiers dressed?

A. Rubber shoes and khaki with bits of string and bits of brush through the strings and tin helmets with nets over and bushes in the nets.

Q. How were they armed?

A. Mostly with bayonets or some sort of knife. Some had guns but most seem to have knives. The guns that I saw appeared to be very much like that of our own soldiers, but I don't know very much about guns. I think they collected the guns which had been stacked up in the hall and taken from our own soldiers.

Q. Can you give the approximate number of Japanese who entered?

A. I have no idea.

Q. Was it more than 20?

A. Many more. I should say 200-300, but I am really not sure.

Q. Could you say the majority were dressed in the fashion you have described or not?

A. Yes.

Q. Was there anything to show that these soldiers who were in the main hall were in fact wounded?

A. They were mostly bed-ridden, nearly all of them had splints, having fractured arms or legs or bandaged heads. I don't think there was a single case where bandages were not in evidence.

Q. When the Japanese fired at the soldiers in the main hall, were there any casualties sustained?

A. Actually I did not see any casualties. I only know that the next morning, when we were allowed to attend to the wounded who were left, many were missing.

Q. Who was in charge of the place at that time?

A. Col Black.

Q. You remember the names of any others on the staff?

A. Capt Whitney and a dental surgeon, Col McCurdie. There were no other doctors.

Q. What was Col Black's unit?

A. He was a Volunteer medical officer.

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EXAMINATION OF P.W. NO. 12 - MRS E.A. FIDOE (Contd).

Q. Continue the story. What happened after the Japanese had fired on the patients in the main hall?

A. There was a small room leading off the hall and they bundled us into that small room and locked us up there.

Q. What do you mean by "us?"

A. Most of the people around. Things were in such a melee, but I know all the nursing staff was there. There were quite a number of patients and several dead bodies lying in pools of blood. I think there were about 30 of us in that room, patients and nurses.

Q. Were you allowed to attend to the wounded?

A. Not that day. We had nothing to attend them with. One man was bleeding rather badly and I tried to bandage him with an improvised bandage, but all through Christmas Day we could not do anything for them at all.

Q. You say you helped a British soldier. Where was he, in the main hall or somewhere else?

A. He was in the small room with us. After we had been there for about two hours, the Japanese opened the door and ordered us all out and to go upstairs. This wounded soldier had crawled out of the main hall with his splint hanging off and had dragged himself into that room. He was also ordered upstairs with us. He could not walk and I had to put my arm on his elbow and help him. A Japanese shouted at me and beat me up. He beat my arm with the butt-end of a rifle.

Q. How was it his splint was hanging off?

A. He told me the Japanese had cut it off.

Q. How long did you remain in this room?

A. We had no watches. I cannot tell you exactly, but roughly two hours.

Q. Then where did you go after you had been prevented from helping this British soldier?

A. On the first floor where we were all divided up and forced into little rooms.

Q. How long did you remain in these rooms?

A. Until about 5 o'clock on Christmas Day.

Prosecutor: From now onwards I would like the Court to sit in camera for the remainder of the evidence.

The Court is cleared of the public.

Q. Did anything happen in that building before 5 o'clock on Christmas Day between the time you were put in there until 5 o'clock?

A. All day long Japanese soldiers came in and out of the room. They stood staring at us, searched us for any valuables we might have and we heard screams from various parts of the building.

Q. Did you hear any screams from the main hall?

A. It would be difficult to say where the screaming was coming from. There was a young Canadian soldier in the room with me. He had a wound in his arm and had been bayoneted again. He was bleeding profusely. We asked for bandages but they refused to give them to us.

Q. How many of you were in your room?

A. About 10 or 12, 12 I think.

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EXAMINATION OF P.W. NO. 12 - MRS E.A. FIDOE (Contd).

Q. What personnel were they?

A. There were two V.A.D. nurses besides myself and the others were patients of the British Army, Canadian Army and Volunteers.

Q. Besides being searched were you molested in any other way up to 5 o'clock?

A. Not in the room.

Q. Then what happened after that?

A. At about that time two Japanese soldiers came along and made us, the nurses, stand up. They looked us up and down for half-an-hour and took away one and she did not come back. After a while they came back and beckoned to the two of us left and made us follow them along the corridor into a small room which I learned was one of the master's studies and left us there.

Q. What were the nationalities of the people who went with you?

A. One Army Nursing Sister and one Volunteer Nursing Sister, both English.

Q. Were there any Chinese women there with you?

A. The small study we were shown into had some Chinese women there when we got there. I think there were five.

Q. Will you continue with your story?

A. These Chinese women, two of them were crying and there was a small bathroom out of the room and Japanese soldiers came and took them out one after the other to the bathroom. They tried to resist but could not. This lasted about an hour. There were two mattresses on the floor. We thought we were going to be left there for the night to rest. A little while afterwards a Japanese soldier came into the room and asked for one of us to go and bandage the wounded soldiers. One would **not** go without the other and Miss Gordon, Nursing Sister, myself and two V.A.D.'s insisted on going together.

Q. For the record what had happened to these Chinese women?

A. We left them in the room as we went out. We followed the Japanese soldiers along the corridor.

Q. Had they been ill-treated at that time?

A. I don't think they had been ill-treated, but they had certainly been raped.

Q. You are fully aware as a trained nurse of the meaning of rape?

A. Very.

Q. Did you see evidence of rape yourself?

A. I did.

Q. How did you know?

A. They told us when they came out.

Q. Then what happened to you?

A. We followed these soldiers along the corridor and they took us into a small room with some mattresses on the floor. They pushed us down on the floor and proceeded to rape us too.

Q. How long did this go on for?

A. I think about half-an-hour. I would say that while the soldiers were in there with us, another was standing with fixed bayonet outside the door, and suddenly the door was thrown open and the soldier beckoned to the others and they hurried us away along the corridor.

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EXAMINATION OF P.W. NO. 12 - MRS E.A. FIDOE (Contd).

Q. Was anything else in the room besides the mattresses?

A. There were three bodies of Chinese stretcher bearers on the mattresses, dead.

Q. In what condition were these bodies?

A. I could not say.

Q. Then what happened?

A. They took us back to the room we had left formerly. There were no Chinese women there any more. They had all gone.

Q. Yes, then what happened?

A. There were just the four of us there and we shut the door. The mattresses had also been taken away. It was quite empty. We stayed in that room all night being visited by Japanese soldiers until we were so distraught we would not open the door any more.

Q. When you say "they visited us" were you molested and touched?

A. We were raped from time to time.

Q. That is, all the four of you?

A. Yes.

Q. Then what happened?

A. Every time the soldier left -- the door had a slip lock -- we locked it. We were so upset we just did not care what happened and would not open the door. They thought there were some of their own kind in there, so they left us alone for two ~~hours~~ hours. There was a window looking out of the room where we stood and we watched the Japanese taking out mattresses, blankets and bodies and putting them on lorries and covering them up with the blankets. I could not see who they were.

Q. How many bodies roughly, you remember?

A. About 40 or 50.

Q. Did you see anything else besides?

A. I saw them taking tables and chairs from the college and building up a huge mound which they set fire to.

Q. Did you see them setting fire to it at that time?

A. Yes.

Q. What was the object of that, do you know?

A. I saw them putting the dead bodies on the fire.

Q. How far was that from your room?

A. I should say about a couple of hundred yards. Maybe not so far.

Q. What happened after that?

A. Sometime after ~~the~~ daybreak we heard footsteps and then the dental surgeon, Col McCurdie, knocked at the door together with a Japanese officer and some Japanese soldiers.

Q. For the purpose of the record, would that be the 26th?

A. Yes.

Q. What happened then?

A. Col McCurdie told us two of our own wounded were downstairs and wanted us to go down and attend to them. He was only a dental surgeon. He was not a doctor. We went down and found two Canadian soldiers with small injuries in their feet and

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EXAMINATION OF P.W. NO. 12 - MRS E.A. FIDOE (Contd).

A (Contd): wrists. They had walked to the hospital over the hills, not knowing we had surrendered.

Q. Did you see anything else there?

A. I would like to say we had Red Cross arm-bands on our arms and they tore those arm-bands off.

Q. When had they been torn off?

A. On the morning of Christmas day.

Q. Who by?

A. Japanese soldiers.

Q. Was the hospital marked in any way?

A. It had a flag made in the hospital.

Q. What sort of flag?

A. We made one with sheets. Red handkerchiefs were sewn together in the form of a cross.

Q. Where had that been placed?

A. So far as I know, on the roof. I did not see it.

Q. Was that the only mark that there was?

A. So far as I know.

Q. Continue with the story when you went downstairs?

A. We rendered first-aid to the two Canadian soldiers and then we were told to go back upstairs and we could attend to our wounded. When we got back up there we found all the rooms had been opened up and everybody was in the process of cleaning the place. There were lots of feathers about. We went down on our hands and knees and then cleaned up to dark. We found among the feathers some dead bodies. We then got some first-aid equipment which we got from the store-room downstairs and attended to the wounded. We found in every case the splints had been taken off, the bandages had been cut and many of the men were bleeding rather badly and quite a few of them had bayonet wounds all over them.

Q. How many bodies did you see in this condition?

A. I could not tell you. We were so busy. I should say 20-30, maybe more.

Q. Did you find them just in the rooms on top?

A. All on the top floor.

Q. Then what happened?

A. It took us all day to get these patients back to splints. We tried to make them as comfortable as possible and treat their wounds. About 3 o'clock a Volunteer officer came in with an arm-band on. He said he had been sent to bring in the wounded. We told him we did not want to stay in that College another night.

Q. Did you see the main hall?

A. We were not allowed in there. The Japanese were in occupation.

Q. What happened then?

A. This Volunteer officer took us away about 5 o'clock. We had, with some medical orderlies, dressed most of their wounds before we left them. We then went up to the Fort. I have overlooked one thing. When we called upstairs to attend to the wounded, the husband of one of the Volunteer nurses came and asked me if I

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EXAMINATION OF P.W. NO. 12 - MRS E.A. FIDOE (Contd).

A (Contd): knew where his wife was. She had been the one taken out of my room.

Q. Who was he?

A. The name was Begg. He asked if I knew where she was. I told him she had been taken away. He came back with a Japanese officer and went around to search for her. He then came back and asked me to go with the Japanese officer. We met the Canadian padre and together with an orderly went down to the gardens and the other side of the nullah. The Japanese would not let anybody cross except me. There was a blanket by some bushes. I lifted the blanket and saw three bodies of Volunteer nurses.

Q. Did you recognize the people under the blanket?

A. One was the body of Mrs Begg, the wife of the husband I spoke about, another Mrs Smith and the other Mrs Buxton.

Q. What was the condition of the bodies?

A. They were stripped, devoid of all clothing, except for a coat belonging to Mrs Smith which was thrown over the bodies. Mrs Begg had been shot. There was a definite wound in her head. I saw throat wounds on the other two. It looked as though they had clean cuts through them.

Q. What happened to those bodies?

A. I saw the Japanese collect these bodies and putting them on the funeral pyre.

Q. What happened then?

A. I went back to where Capt Barnett and the R.A.M.C. orderly were waiting. I went to pieces a little bit. The Japanese officer -- he was very young -- shook me. He said "You lucky. Three minutes and you would have gone too. Hongkong surrendered just in time." Those were his words.

Q. Did he say why you were lucky?

A. He said "Three minutes more you would have been dead. Hongkong surrendered." He said they had no time for prisoners and we were all going to be killed, women first and men afterwards.

Q. What happened after that?

A. I went back to the upstairs which was turned into a dressing room and dressed the wounded and tried to make them comfortable. We gathered them from where we could. There were very few blankets. We put them together, as many together as we could. We spent the rest of the day trying to make them comfortable. There was no food, nothing to drink, either.

Q. Did the Japanese help you?

A. Not at all. The only thing we were allowed to do -- I don't know who asked for it -- we were allowed to go downstairs and bring dressings up. Mr Begg asked if we could get some iodine and bandages and the Japanese allowed him to go downstairs and bring these up. I did not ask, and don't think anybody else asked.

Q. Did you leave the hospital soon after that?

A. I left the hospital about five, I think, on the evening of the 26th.

Q. Where did you go?

A. We were taken by this Volunteer officer up to the Fort.

Q. Do you know what happened to Col Black and to Whitney?

A. They were both killed.

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EXAMINATION OF P.W. NO. 12 - MRS E.A. FIDOE (Contd).

Q. How do you know that?
 A. It was dark when the Japanese came in. There was shooting everywhere. Next Morning I saw their bodies, both lying out on the verandah.

Q. Would that be on the morning of the 26th?
 A. Yes.

Q. What were the conditions of the bodies?
 A. Except for seeing their faces -- they were both covered with blankets and had no shoes on -- I did not see anything else.

Prosecutor: No further questions, sir.

Cross-examination declined.

No questions by the Court.

President: The witness may stand down.

Prosecutor: May I call my next witness, sir. I know it is late, but it is very difficult to get hold of her. She will not be as long as the last witness. This evidence is in connection with the Jockey Club, Racecourse, which forms part of the third charge.

President: Do you wish this evidence taken in camera?
 Prosecutor: Yes.

P.W. NO. 13 - MISS AMY WILLIAMS

The witness is sworn.

EXAMINATION BY THE PROSECUTOR.

Q. What is your name?
 A. Amy Williams.

Q. Where are you living at present?
 A. Kowloon Hospital.

Prosecutor: May I lead the first formal questions, sir?
 President: Yes.

Q. Were you at the Jockey Club relief hospital, Hongkong, in December, 1941?
 A. Yes.

Q. In what capacity were you there?
 A. Matron.

Q. When did you first go to the Jockey Club?
 A. The first day of the war, the 8th December, I think.

Q. What was the Jockey Club?
 A. A relief hospital.

Q. What did the staff consist of there?
 A. Three trained nurses, 15 A.N.S.'s, Europeans, and about 30 Chinese.

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EXAMINATION OF P.W. NO. 13 - MISS AMY WILLIAMS (Contd)

Q. What was your position there?
A. Matron.

Q. The only matron there, were you?
A. Yes.

Q. What are your qualifications?
A. State Registered Nurse.

Q. Were you at the Jockey Club when the Japanese invaded the Island of Hongkong?
A. Yes.

Q. On what date was it you first heard they had arrived on the Island?
A. I think it was about the 20th.

Q. Did you hear any firing that day?
A. From the first day of the war.

Q. Was there firing near the Jockey Club?
A. Yes.

Q. When was that? The first time there was any firing near the Jockey Club.
A. About the third day.

Q. Was the building damaged?
A. Yes.

Q. When was the building first damaged?
A. Shell through the roof of the lounge.

Q. When was that?
A. I cannot tell you the day.

Q. Was it before or after Christmas?
A. Before Christmas, a few days after the war.

Q. Were there any patients at this place at the time?
A. Yes.

Q. What sort of patients?
A. Chinese women and children.

Q. Anybody else?
A. Later we had five Indians soldiers and one European.

Q. Did the Japanese ever enter that building?
A. Yes.

Q. When?
A. On the morning of the 25th.

Q. Were you there at the time?
A. Yes.

Q. Can you tell us what happened, the sequence of events?
A. We had a blitz the night before and the whole place was just a shambles. We got up the next morning about 7 o'clock to clear up the debris. I heard Dr Selby's voice in the corridor. I looked out and saw three Japanese coming along.

Q. Who is Dr Selby?
A. A Government doctor. He was temporarily in charge.

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EXAMINATION OF B.W. NO. 13 - MISS AMY WILLIAMS (Contd).

Q. How were these Japanese soldiers dressed?
A. In khaki.

Q. What else? Were they armed?
A. They were armed. One of them had a rope around Dr Arculli's waist.

Q. Who is Dr Arculli?
A. He is an Indian doctor. He was then doing duty in one of the A.R.P. shelters which had been bombed out. He came to us the day before and was housed in the weighing room of the Jockey Club.

Q. At this time were the Indian soldiers and the one European soldier in the hospital?
A. Yes.

Q. Did you see any other Japanese besides those three?
A. Later in the day, yes.

Q. Tell us what happened after you had seen Dr Arculli?
A. He came into the box that was being used as a bedroom and office, just looked around and then went out again. I then went downstairs to see what was happening and was greeted by the night sisters who told me they had robbed ~~me~~ of all jewellery, watches, rings, etc, and had temporarily left them.

Q. Were any of the women molested in any way?
A. Yes.

Q. Will you tell the Court what you know about that from the beginning?
A. I went upstairs and was then told by my supervisor that she had been partly stripped and threatened with a bayonet.

Q. By whom had she been stripped?
A. By two Japanese soldiers.

Q. Was that all that happened to her?
A. At that moment. Then later they took two of the European staff and raped them, threatening them with bayonets and with revolvers, and in one case bayonets were in the clothes of the girl.

Q. What time of the day was this?
A. Eight in the morning.

Q. Were these girls raped?
A. Yes.

Q. How do you know they had been raped? You are aware of the meaning of the word rape as a registered nurse?
A. Yes.

Q. Did they show you any evidence of that?
A. Yes. One was a married woman.

Q. Did they receive any treatment for it?
A. We treated them as best as we could at that time. At 10 o'clock they came again and took two Chinese. The same happened about 11 and 12 o'clock. Six Chinese in all. We treated them as well as we could after.

Q. Who are these Chinese you are talking about?
A. Chinese A.N.S.'s or A.R.P. workers.

Q. Were they wearing any uniform?
A. Yes, all had uniforms.

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EXAMINATION OF P.W. NO. 13 - MISS AMY WILLIAMS (Contd).

Q. Including those two you say were raped?

A. Of those two, one was in uniform, one was not.

Q. What sort of uniform?

A. Sisters' uniform, white overall, white cap.

Q. Besides what you have described to us, were there any other nurses raped or ill-treated?

A. Yes. We all got together at night.

Q. That is the night of the 25th?

A. Yes. Three Japanese came along with trees in their helmets and with bayonets and one had a hand grenade and one had a revolver as well as a bayonet. They told us to stand up. There were some lying on the floor. They went around us with a torch. He chose five of the girls and told them to go along with him.

Q. Where were you at this time?

A. We were all on the ground floor, the patients and staff. We went under where the accounting tables are under the stairs.

Q. When you say "we" who does that consist of?

A. During the afternoon, all the Chinese, bar two nurses and one doctor, disappeared. We had increased in staff by this time. When air-raid shelters were bombed out, they sent the staff to us to house them. We had by this time 195 staff, chiefly of course, Chinese. During the afternoon, when they saw what was happening, they disappeared. By evening time we had only two nurses and one doctor and they escaped during the night. Of the five, they released two of those girls. They raped three only of that lot. Afterwards they came down again and took four more up. In all six Europeans were raped, two of them twice.

Q. Was this carried out by the soldiers who you say were dressed with branches sticking out of their uniforms?

A. Yes.

Q. Have you anything else to tell the Court in regard to the rape of nurses?

A. After these happenings it was quiet until the next day. Then about 12 o'clock one of the Japanese came in and took one of the girls, dragging her by the arm through the ward. An officer appeared at the far end of the ward and he dropped her quickly and she fell on the bed. That was the end of the rape.

Q. That would be on the 26th?

A. Yes.

Q. How long did you remain there after that?

A. We started about 3 o'clock to evacuate.

Q. Where did you evacuate to?

A. Queen Mary. The staff went to the Queen Mary where they were treated and the patients went either to the University or to St Stephen's.

Prosecutor: No further questions, sir.

CROSS-EXAMINATION BY DEFENCE COUNSEL.

Q. I wish to ask you concerning the situation of the fighting around the Happy Valley area on the 25th. How were the buildings opposite the Jockey Club in Happy Valley? Had the Japanese force already forced themselves into that district?

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CROSS-EXAMINATION OF P.W. NO. 13 - MISS AMY WILLIAMS (Contd).

A. Yes, the day before. We had no fighting on the 25th at all.

Q. About how many, in which direction, could you see the Japanese soldiers?

A. Opposite in Leighton Hill side we saw them marching along the road.

Q. Is Leighton Hill towards the east or west from the Jockey Club?

A. I don't know.

Q. Was it near the hill or was it quite far away from the hill?

A. On the road below the hill opposite the Jockey Club.

Q. About how many of the Japanese soldiers were you able to see there?

A. I could not tell you. They were just marching along. We could only see in the distance.

Q. Were there a great number of them or just several?

A. Quite a number.

Q. You said that on the night of the 24th some damage was caused to the building of the Jockey Club. Was the damage caused by shelling or rifle bullets?

A. Shelling.

Q. At that time did you hear the sound of cannons?

A. No.

Q. Near that place was there not the sound of cannon and rifle shots could be heard very frequently?

A. Yes.

Q. Did you hear such sounds from nearby places or from places that were quite far?

A. Generally far but on that particular occasion very near.

Q. Amongst such sounds did you hear sounds of cannon?

A. I suppose I did.

Defence Counsel: No further questions, sir.

RE-EXAMINATION BY THE PROSECUTOR.

Q. Did you hear any rifle or small arms fire?

A. Yes.

Q. Did any bullets hit the building?

A. Yes.

Q. You know from which direction the fire was coming?

A. On that particular night it was from the top of the Valley, the blind end of the Valley, coming into the first floor.

Q. Do you mean from the sea or harbour or the other end?

A. The other end.

Prosecutor: No further questions, sir.

NO QUESTIONS BY THE COURT.

President: The witness may stand down. The Court is adjourned until 3 p.m.

ADJOURNMENT

At 1335 hours the Court adjourned to 1500 hours.

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RESUMPTION.

At 1510 hours the Court re-assembles pursuant to adjournment. Present: The same members as at adjournment.

Prosecutor: Continuing with the incidents at the Jockey Club, I would like to read a statement of Marie Da Roza, Exhibit "Y".

Prosecutor reads statement of Marie Da Roza.

Prosecutor: The next witness, Sir, will give evidence relative to facts on the first and second charges.

P.W. NO. 14 - S. D. BEGG.

The witness is sworn.

EXAMINATION OF WITNESS:

Prosecutor (Maj. Cross): Will you tell the Court your full name?

Witness: Stewart Duncan Begg.

Q. Your age?

A. 47.

Q. Your occupation?

A. Commercial executive.

Q. And your address?

A. Care of Blair and Company, Holland House.

Q. Where were you in December, 1941?

A. I was working in the Colony when the Colony was attacked at dawn on December 8. I was mobilised as Company Sergeant-major in the Hongkong Volunteers Corps.

Q. And what happened to you after that?

A. We went to various points, taking up positions at Wongnei-chong and at a house known as the "Ridge" in support of the Regulars, Canadians and the Hongkong Volunteers who were fighting a rear-guard action in Wongneichong. That was approximately between December 20 and 22.

Q. And once there what happened?

A. We were badly by-passed by the Japanese who got on to the catchwater behind us, [REDACTED] with the result that Battle HQ on the night of the 22nd gave us orders to evacuate to Repulse Bay and join up with the Middlesex Regiment.

Q. Did you obey that order?

A. We made our way to Repulse Bay from our position in Wongneichong, but it appeared that Repulse Bay had by that time been captured and we were badly ambushed at Mr Eu Tong-sen's residence, known as "Eucliffe."

Q. And what happened then?

A. Those of us who survived went over a wall, over rocks and down to a cave on the beach opposite the Yacht Club's Middle Island.

Q. How many of you reached this beach?

A. That is hard to say how many there were altogether. There were some Canadians there when I got down, but I should say approximately 40 men.

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EXAMINATION OF P.W. NO. 14 - S.D. BEGG (cont.):

Q. What were the Canadians doing down there?

A. I did not quite know. They had obviously been there for a day or two because there were lots of bully beef tins around.

Q. Were you able to see if there was anything wrong with them?

A. I questioned one or two of them and they informed me that they had been fired upon by the Japanese from Eucliff, and they had taken refuge on the beach.

Q. And what happened to your party when it reached this beach?

A. I stayed there for the whole of December 23. The position was obviously untenable and we had reason to believe that Repulse Bay and Deep Water Bay were then in Japanese hands.

Q. And then what did you do?

A. I gave orders that I intended to swim with all those who could swim together with me and endeavour to reach Stanley by water and land and join up with the force in that area.

Q. Can you remember what time it was that you gave this order?

A. That was approximately 5 p.m. on December 23.

Q. And after you gave that order what did you do?

A. I gave orders to wait for dusk and instructed every man to strip naked and endeavour to keep a pair of dry socks and their steel helmets strapped tightly to their chin.

Q. What happened next?

A. I led the entire party into the icy cold water at approximately 7.30 p.m. that night, the 23rd.

Q. And next?

A. When we became visible after about 20 minutes swimming to the Japanese garrison at Eucliff - it was a very bright moonlight night and there was an extreme abundance of phosphorous in the water...

Q. How do you know that you became visible to the Japanese forces?

A. We very quickly became the object of concentrated rifle and machine-gun fire from the roof of Eucliff.

Q. Was anyone hit whilst you were in the water there?

A. A great number of men were hit. I cannot tell how many died from gunshot wounds, drowned on account of fatigue and exposure, but two men swimming next to me - CQMS Mann, of the Volunteer Corps, was struck in the head with rifle bullet and died almost instantaneously.

Q. Did any of the Canadians that you told us about accompany you on the swim?

A. There were six or seven Canadians who took to the water with us but only one Canadian survived with two of my own party, the total survivors being three.

Q. Prior to your entering the water, do you know if you left anyone behind.....

A. We left two very badly wounded man, one subsequently died I learned and the other S/Sgt Hamlin, who had been tied and shot in Eucliff, the bullet coming out of his face.

Q. Do you know the name of the other man?

A. The other was a Eurasian in the Hongkong Volunteers. I am

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EXAMINATION OF P.W. NO. 14 - S.D. BEGG (cont.):

A(cont.): afraid the name escapes me at the moment.

Q. And with what was this Eurasian suffering?

A. He was suffering from multiple wounds from a hand grenade that was thrown into a bathroom in which he and others were hiding in "Overbese".

Q. How was it that you came to know about this man Hamlin?

A. We rather expected an attack by the Japanese from Eucliffe who had seen us go over the wall. I had sent guards to watch the position when there was a downfall of bricks accompanied by a rolling body.

Q. Will you go on?

A. This turned out to be Hamlin who was simply one mass of blood. He was conscious and he was able to relate the story of his shooting.

Q. Are you able to tell the Court briefly what he told you?

A. Yes, he told me very clearly that he and many others had been taken prisoner in an outhouse at Eucliffe and that they were all made to kneel down on top of an embankment, with hands tied behind their backs. He did not know how he had escaped death, the bullet had apparently struck a bone and emerged from his right cheek.

Q. And it was after this that he rolled down the hill?

A. It was after that, after he had escaped from the massacre.

Q. Where did your swimming party eventually fetch up?

A. Our swimming party eventually fetched up in Stanley.

Q. I think you told the Court that there were three of you?

A. Only three of us survived.

Q. What happened to you when you got to Stanley?

A. We crawled on hands and knees to St Stephen's Hospital where we saw a big white flag with the Geneva Red Cross flying, very clearly.

Q. Are you able to remember the time and date when you arrived in Stanley?

A. It was definitely on Christmas Eve, the time approximately 5 p.m. December 24.

Q. On arrival what happened to you?

A. I was amazed to discover that my wife and several other VADs had been posted to that hospital from Bowen Road Hospital.

Q. In what state of health were the three of you?

A. We were in a bad state of collapse. We were given immediate medical attention and put to bed.

Q. Were you able to see your wife that night?

A. My wife stayed with me right through the night at my bed, Sir.

Q. Did she mention anything to you about the staff of the hospital?

A. She mentioned that the casualty clearing station which they had opened only three days before had approximately 145 wounded there already.

Q. How was this hospital staffed, do you know?

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EXAMINATION OF P.W. NO. 14 - S.D. BEGG (cont.):

A. She also mentioned that it was staffed by a wellknown and prominent medical man, Dr Black, and it was entirely staffed by him, Capt. Whitney, RAMC, Chinese members of the St John's Ambulance, these seven nurses and a medical RAMC staff.

Q. Was there any sign of fighting on this day around the hospital area?

A. It is difficult to say how close the fighting was. Judging from the noise I should say the nearest was possibly Stanley Village, approximately 500 yards from the hospital.

Q. How did you pass the night of the 24th?

A. I slept very fitfully and nervously.

Q. Did the fighting come any nearer to you?

A. It got obviously nearer and nearer and all my wife's reassurances did not make me believe anything but that the Japanese had broken through.

Q. And what happened then?

A. The hospital was stormed at the bayonet point some time between 5 and 6 a.m. on Christmas morning, December 25.

Q. You told the Court that when you arrived at Stanley you were put to bed. Where was the bed situated?

A. At the far end of the main hall or hallway. May I explain here that the hallway was the main College hall and it was permanently shut at one end so there is only one entrance. I was at the far end away from the entrance.

Q. What was the next thing that happened?

A. I clearly saw the intention of the Japanese troops who had reached the hospital and had already commenced bayoneting every bed they encountered.

Q. Could you estimate how many patients were in this main hall?

A. I should hazard an approximation of 65.

Q. And how many Japanese came in?

A. As I could see at the time, between 100 and 150.

Q. Can you remember how these Japanese were dressed?

A. They were obviously front line shock troops, with trees, branches, flowers and shrubs stuck over their battle dress.

Q. With what were they armed?

A. They were armed with rifles with bayonets fixed.

Q. You said you were at the far end of this main hall away from the door, I take it. Is that correct?

A. That's correct.

Q. What did you do then when you saw the Japanese entering?

A. My wife sat there in a chair beside me until we saw Colonel Black and Capt. Whitney shot and bayoneted in cold blood while they were appealing to them to stop the massacre, and that this was a hospital.

Q. And after that what happened?

President: Mr Beggs, have you any notes on ^{that} this piece of paper?

Witness: It is just an envelope, Sir. It is only a souvenir ^{of} my wife. No notes at all.

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EXAMINATION OF P.W. NO. 14 - S.D. BEGG (cont.):

Q. And what did you do then?

A. My wife and I got under the bed.

Q. And after that?

A. This had no effect. Such was the tempo of the attack that my empty bed was bayoneted two or three times while I laid underneath it.

Q. What did you do after that?

A. When full daylight came the survivors of the attack were mustered and driven upstairs into confinement in one single room.

Q. Were you able, while you were being mustered, to estimate the casualties from that first....

A. The casualties in the lower ward were no less than 56 killed.

Q. You could actually see these people who had been killed?

A. I could see the bodies lying in their pools of blood. The blood was so profuse that my hospital socks sapped it up almost to the ball of my leg.

Q. How were you marched from the main hall upstairs?

A. We were prodded with rifle butts and two or three Canadians were actually stabbed with bayonet point until we got into the room upstairs.

Q. Who went to make up this muster?

A. All the surviving wounded, all the surviving St John Ambulance, all the surviving male personnel of the RAMC and the seven surviving nurses.

Q. And once you had reached this room into which you were put, what happened there?

A. The women were segregated from the men.

Q. After how long did this segregation take place?

A. 20 minutes.

Q. And then what happened?

A. The rest of us were left in this room with a blanket darkening the window and left there without even a glass of water for the whole of that day.

Q. Approximately how many of you would there have been?

A. Well over 40 in that one small room.

Q. Did you remain unmolested for the rest of that day?

A. We were constantly molested, the wounded or otherwise taken out in pairs at regular half-hourly intervals throughout the day, to be shot in the corridor.

Q. Are you able to remember any of the names of the people who were taken out in this way?

A. Yes, one of the first to go was Capt John Heckley of the Canadian Royal Service Corps and one of his sergeant.s.

Q. And what was the next thing that happened?

A. Next I heard the killing stopped when a Japanese officer entered at approximately 4.30 p.m. on December 25 and informed us that we were lucky we would not be shot because Hongkong had surrendered.

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EXAMINATION OF P.W. NO. 14 - S.D. BEGG (cont.):

Q. How do you know he was an officer?

A. Obviously by his three stars. He had three stars on his lapel and of course he carried this symbolic sword.

Q. Did you during that day hear any more of your wife or her whereabouts?

A. I heard my wife's voice very clearly. I must explain that these rooms are only partitions, there is a clearing space of about three feet from the partition to the ceiling. I heard my wife's voice for the last time very clearly at approximately 5.30 p.m. on Christmas evening, asking me if I was all right.

Q. What happened to you next?

A. I answered as cheerfully as I could, but remembered no more until Boxing Day morning.

Q. On Boxing Day morning, what happened?

A. All of us who could walk were driven down at the point of a bayonet to the main hall again and made to carry all the bodies and blood-stained mattresses, etc. out to an enormous fire lighted by the Japanese forces in the front.

Q. For what was this fire being used?

A. For the destruction, I think, of their own dead originally.

Q. You said originally. Was there some other subsequent use?

A. As I have just explained, we the remaining prisoners were compelled to burn our own dead in the same fire.

Q. You were actually engaged in handling these bodies?

A. I and others were engaged in lifting the bodies.

Q. For how long did this go on?

A. For at least two or three hours.

Q. What happened then?

A. My main thought was for the safety of my wife.

Q. And the result?

A. I asked a Japanese officer, with the few Japanese words I could speak, if he would take me to her.

Q. Was this another Japanese officer or the same officer?

A. This was a completely different Japanese officer.

Q. What happened as a result of that request?

A. He seemed quite pleasant and took me to the room where I judged the nurses had been imprisoned the night before.

Q. Will you go on?

A. But I was confounded to find that my wife was not there.

Q. Was anyone there?

A. There were four surviving nurses in the room.

Q. Do you remember any of their names?

A. There was Sister Gordon, in charge of the hospital from the nursing point of view, there was a nurse Fidoe, Nurse Andrews Levinge and Nurse - the last one just escapes me at the moment.

Q. What happened then?

A. I asked what had happened to my wife.

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EXAMINATION OF P.W. NO. 14 - S.D. BEGG (cont.):

Q. What was the reply?

A. They told me that my wife, together with Mrs Buxton and Mrs Smith had been taken away by a Japanese officer and two soldiers during the night.

Q. Did you receive any other information about your wife?

A. I then told the Japanese officer that my wife was not there and where was she?

Q. And what was his reply?

A. He left for some 20 minutes and then came back and in what appeared to be an assumed storming temper, stuck his sword into the floor and said, "Your wife very bad, last night run away, Japanese soldier shoot. This is war."

Q. Did you receive any other information about your wife?

A. I am afraid I partially collapsed at that time and the Japanese officer took Mrs Fidoe out to inspect what turned out to be the bodies.

Q. Did Mrs Fidoe acquaint you with this?

A. Mrs Fidoe, when she came back told me of this and I then demanded that I be taken myself.

Q. And was the information that she gave you correct?

A. Precisely correct.

Q. Is the Court to understand that you saw the body of your wife?

A. I saw the body of my wife and two other murdered nurses.

Q. Were you able to recognise the two other bodies?

A. Not at first, but I endeavoured to lift my wife's body and I recognised the bodies of Mrs Buxton and Mrs Smith.

Q. From what you saw, was it possible for you to estimate the cause of death?

A. The three nurses had undoubtedly been murdered by wanton slashing of their throats.

Prosecutor: No further questions, Sir.

Cross-examination declined.

QUESTIONS BY THE COURT:

President: Regarding your previous evidence about swimming from Eucliffe to Stanley, will you tell the Court how many entered the water?

Witness: I cannot be terribly sure of the actual number. It was in excess of 40.

President: Any questions arising?

Prosecutor: No, Sir.

President: The witness may stand down.

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Prosecutor: May I now lead evidence on the fourth charge, Sir.

P.W. NO. 15 - CHAN SAI-SO.

Witness is affirmed.

EXAMINATION OF WITNESS:

Prosecutor: What is your name?

Witness: Chan Sai-so.

Q. Your age?

A. 24.

Q. Present occupation?

A. I am working at the reservoir.

Q. Where is this reservoir?

A. Tytam Tuk.

Q. Were you in Hongkong when the Japanese came in 1941?

A. I was working as a "boy" for Mr Flegg and Mr Davidson.

Q. Where?

A. At Tytam Tuk.

Q. This Mr Flegg, what was his job?

A. He was the superintendent of that place.

Q. What was Mr Davidson's job?

A. He was the chief engineer.

Q. When did you first see the Japanese?

A. 21st.

Q. What time?

A. About 2 o'clock in the night.

Q. What happened when they came?

A. I was asleep at that time, the Japanese came and knocked at the door and made a lot of noise, and my two masters ordered me to go and open the door.

Q. Were your masters in a different house to you or were you in the same house?

A. No, they were living in the house and we were living in the servants' quarters, which were separate buildings. They were scared and so they called me to open the door.

Q. How far were these servants' quarters from the house?

A. Several tens of feet away.

Q. Can you compare the distance with something in this Courtroom?

A. It is about from here (witness box) to the corner of the wall outside.

Court estimates distance as about 15 yards.

Q. Yes, right, what happened then?

A. When I opened the door a lot of those Japanese soldiers entered and proceeded to beat us up. We were all tied up. My two masters were locked up in one room and myself together with another cook employed at this place locked up in another room.

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EXAMINATION OF P.W. NO. 15 - CHAN SAI-SO (cont.):

Q. What was the name of that other cook?

A. Wong Sum.

Q. How were the Japanese soldiers dressed?

A. They were in uniform.

Q. Were they armed?

A. Yes, they had their rifles with them and struck us with their rifles.

Q. How many Japanese were there?

A. Lots of them. They went upstairs and some of them coming downstairs, there was a fighting going on.

Q. More than 20.

A. Around 20.

Q. Was anybody fighting back, anybody firing at them?

A. No, not yet. They were challenged the next morning.

Q. What happened after you were tied up?

A. A little after dawn the Japanese soldiers untied my hands and told me to boil some water for them. I don't know about the two Europeans because they were in separate rooms.

Q. Did any of the Japanese speak to you at this time?

A. No, I was only told to boil some water. The Japanese made me to understand ■ by moving ■ their hands.

Q. How far were the two Europeans from you at this time when you were tied up?

A. We were kept in the next room from the place where they were locked up, that is, we were in the dining room and they were in the sitting room.

Q. Were the two Europeans dressed in uniform?

A. No, they were in pyjamas.

Q. Then what happened after you were told to make tea?

A. About 10 o'clock I was forced to carry a box of something like medicine up to the hill. At that time there was fighting going on at the top of the hill.

Q. How far was this hill away from this reservoir?

A. The distance was just from the foot of the hill to the top of the hill. The Japanese already had reached the foot of the hill and the British troops were stationed on top of the hill.

Q. Was this hill in the direction of Hongkong or was it in the direction of Stanley?

A. It was towards the direction of Stanley.

Q. Yes, then, what happened to you?

A. After ■ I had finished my job and returned to the house I was tied up again. Before I left the place for the hill the two Europeans were released from the rope, but when I was tied again they also were tied.

Q. On this occasion when they were tied again, how were they dressed?

A. In this kind of clothes.

Prosecutor: The witness points to his own clothes, Sir.

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EXAMINATION OF P.W. NO. 15 - CHAN SAI-SO (cont.):

Q. Yes, then what happened?

A. On the next morning we were taken out to the sea, and Mr Davidson was walking first, Mr Flegg next and myself was third in the row. When we reached the sea the two Europeans were shot and then bayoneted and pushed down and fell on the ground and when my turn came I was beaten up and I fell on the ground and I was stepped on.

Q. Who led you out?

A. A bunch of Japanese.

Q. About how many?

A. When we were first taken out there were ~~three~~ five or six.

Q. How many of you were taken. How many were you in your party besides yourself, Mr Davidson and Mr Flegg?

A. Three I mentioned and Wong Sum, the cook. Four of us altogether.

Q. When Mr Davidson and Mr Flegg were shot, how far was this from the house?

A. It was at the seaside that they were killed, several tens of feet.

Q. Was it further than the distance you indicated just now to the Court, or nearer?

A. About the same distance.

Q. Were they shot actually on the sea level or above sea level?

A. The house was situated on something like on top of a cliff, just below the cliff was a beach of the sea, and our party was taken just to the edge of the cliff and then they were shot, bayoneted and pushed over.

Q. How were Mr Flegg and Mr Davidson dressed at the time they were shot and bayoneted?

A. He was dressed in European-style civilian dress, I think Scotch wool blazer.

Q. You mean the both of them, or just one?

A. Yes, both of them.

Q. When they were kicked over the side of this cliff, were they dead or still alive?

A. That I don't know because I was on top of this cliff.

Q. On what part of their body were they bayoneted?

A. They were bayoneted on their backs.

Q. Where were they shot?

A. I only heard the shot being fired and then immediately afterwards the bayoneting followed.

Q. Had the Japanese asked you any questions about those two Europeans before they were shot?

A. They asked me what these two were, and I told them they were engineers.

Q. Who asked you?

A. Japanese soldiers.

Q. In what language did they ask you?

A. The soldiers wrote the questions on a piece of paper.

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EXAMINATION OF P.W. NO. 15 - CHAN SAI-SO (cont.):

Q. What happened to the bodies of Mr Flegg and Mr Davidson?
 A. For about 10 days I was made to carry ammunition for the Japanese and when I returned to this house their bodies had already been buried by the employees of the reservoir.

Q. How did you know that?
 A. As soon as I returned I went to look for the bodies of these two Europeans and I was told that they had been buried.

Q. Who told you?
 A. Leung Wing-cho and TangChi.

Q. What happened to you after that?
 A. I continued to work at the reservoir for some months and then I went into the interior of China.

Prosecutor: No further questions, Sir.

Cross-examination declined.

QUESTIONS BY THE COURT:

President: You remember the date in which Mr Davidson and Mr Flegg were killed?

Witness: I think it was on the 23rd.

Q. 23rd of?

A. The second day after the 21st December, 1941.

President: Any questions arising?

Prosecutor: No, Sir.

President: The witness may stand down.

President: The Court will adjourn until 10 o'clock to-morrow morning.

ADJOURNMENT.

At 1635 hours the Court adjourned until 1000 hours on Thursday, January 22, 1948.

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Lt-Col. Warwick.

Trial of:

Lieut-Gen. Ito Takeo.

4th Day.

Thursday, January 22, 1948.

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NO. 7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
THURSDAY, January 22, 1948.

4TH DAY'S Proceedings in the trial of:
Lt-Gen. ITO TAKEO, of the Imperial
Japanese Army.

At 1015 hours on Thursday, January 22, 1948, the Court
re-assembles pursuant to adjournment. Present: The same
members as at adjournment on Wednesday, January 21, 1948.

P.W. NO. 16 - LEUNG WING-CHO.

Witness is affirmed.

EXAMINATION OF WITNESS:

Prosecutor: What is your name?

Witness: Leung Wing-cho.

Q. Your age?

A. 45.

Q. Present Address?

A. 46, Koon Chung Street, Kowloon.

Q. Were you on duty at Tytam Tuk Pumping Station when the
Japanese occupied Hongkong in December, 1941?

A. That's right, Sir.

Q. What day was that, do you remember?

A. The Japanese came to Tytam Tuk on the evening of the
second day of the 11th moon.

Prosecutor: Have you got a Chinese calendar available?

Monitor: I am afraid I haven't, Sir.

Q. What happened on that day?

A. Although I was working at the Tytam Tuk I was not living
at that place. I was staying at the garden which belonged to
the Inspector, No.14, at Kam Yiu Tong. I did not know that
the Japanese had reached Tytam Tuk. On the next morning when
I went to Tytam Tuk I saw the Japanese had already reached
there. I wanted to go back but they did not allow me to do so.

Q. Did you know Mr Flegg and Mr Davidson?

A. Yes.

Q. Did you see them on that day when the Japanese came?

A. I saw these two Europeans sitting in their house.

Q. What time was that?

A. About between 7 and 8 a.m. in the morning when I went to
that place.

Q. Were the Japanese with them at that time?

A. Yes.

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EXAMINATION OF P.W. NO. 16 - LEUNG WING-CHO (cont.):

Q. How were these Japanese dressed?

A. They were dressed in Japanese uniform.

Q. Did they have any weapons?

A. All of them were armed with rifles and bayonets.

Q. Did you see Mr Davidson and Mr Flegg again on that day?

A. I saw that he was still there that same evening at about 5 or 6 o'clock.

Q. Where were they on that occasion?

A. He was still sitting in that house.

Q. He or they?

A. Both of them.

Q. When did you next see them?

A. At dusk the Japanese tied me up together with the cook who was working there by the name of Wong Sum, and this Wong and myself together with these two Europeans were taken to the cellar of that house where foodstuffs were kept. We were locked into this place.

Q. How long did you remain in that cellar?

A. At about 8 o'clock the following morning some Japanese soldiers came and took us out from that place and brought us into the sitting room.

Q. Were you tied up at that time or not?

A. All of us were tied. Myself and Wong, the cook, were tied together.

Q. What about Mr Flegg and Mr Davidson?

A. They were still tied.

Q. Then what happened?

A. Then the Japanese soldiers dragged the two Europeans out of the house. While they were being dragged out, they were bullied, being kicked and knocked around.

Q. How were the two Europeans dressed when they were being dragged out?

A. Both of them were dressed in European civilian clothes, woollen clothes. One, I think, was in black and the other in yellow.

Q. Did you see those two Europeans again?

A. After they were dragged out of the house I did not see them again.

Q. Do you know what happened to them?

A. After these two Europeans had been dragged out of the house I did not know what happened to them, but some soldiers and a Japanese officer returned to us and tied a piece of white cloth on our arm and ordered us to work for them and not to resist; and if we resisted we would be killed.

Q. Where are Mr Flegg and Mr Davidson to-day?

A. They had been lying on the ground at the beach outside the house. I don't know where they are now because I think they were taken away by the Sanitary Department.

Q. Did you see them lying there?

A. Yes.

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EXAMINATION OF P.W. NO. 16 - LEUNG WING-CHO (cont.):

Q. When was that?
 A. About seven or eight days after the Japanese had reached that place I saw them.

Q. Were they dead or alive?
 A. They were dead.

Q. How do you know?
 A. Because their bodies were in a decomposing state and smelt.

Q. Did you notice anything about the bodies?
 A. At that time I went together with a man called Tang and they were already in a decomposing state and they smelt very bad. We could not see their wounds, but we saw that their hands were still tied.

Prosecutor: No further questions, Sir, subject to the correction of that date which was given in the Chinese calendar. I have sent for a Chinese calendar to ascertain the English equivalent, Sir.

President: Isn't there anybody in the Court who can say what the English date is?
 Prosecutor: The interpreter said he could not do so.

Court Monitor: Without the aid of a calendar showing a comparison between the Chinese lunar calendar and the European calendar I am unable to give the equivalent of the European date, Sir.

President: There is such a calendar?
 Court Monitor: Yes, Sir.

President: Are you producing that calendar to compare the dates?
 Prosecutor: I have sent for it, Sir. We might ask the witness whether he knows the English equivalent.

Prosecutor (to Witness): Do you know the English equivalent date when the Japanese first arrived at Tytam Tuk Pumping Station?
 Witness: I cannot remember it in European calendar.

President: You will produce that later on?
 Prosecutor: Yes, Sir. The Chinese date is already on the record.

CROSS-EXAMINATION OF WITNESS:

Defence Counsel: What time of the day was it that these Europeans were dragged out of the house two days after the Japanese came to that place?
 Witness: It was about 9 o'clock in the morning.

Q. From a point, how far away did you see it?
 A. I was in the house and these two Europeans were being dragged out of the door.

Q. Did you make sure as to where these two men were taken?
 A. After they were taken out of the door I did not know where they were taken to. I was still tied up.

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CROSS-EXAMINATION OF P.W. NO. 16 - LEUNG WING-CHO (cont.):

Q. Were those two Europeans the only ones who were dragged out of the house?

A. As far as I saw they were the only two people who were dragged out of the house, I did not see others taken out.

Defence Counsel: No further questions, Sir.

Re-examination declined.

No Questions by the Court.

Prosecutor: That concludes the episode on Tytam, Sir, and I would like now to lead evidence regarding events in Blue Pool Road still in the fourth charge. I will now read the affidavit of Mai Tso-heng (Exh. "Z").

Prosecutor reads affidavit of Mai Tso-heng.

Prosecutor: Call Chan Wei-fong. Her evidence will be heard in camera, Sir.

The public is cleared from the Court on the instruction of the President.

P.W. NO. 17 - CHAN WEI-FONG.

Witness is affirmed.

EXAMINATION OF WITNESS:

Prosecutor: What is your name?

Witness: Chan Wei-fong.

Q. Where are you living now?

A. 20, Wyndham Street.

Q. Were you in Hongkong when the Japanese came in 1941?

A. Yes, I was in Hongkong.

Q. Where were you at the time?

A. Blue Pool Road.

Q. On what date did you first see the Japanese soldiers?

A. December 22.

Q. You remember the number of the house you were staying in?

A. I cannot remember what number it was, but it was right at the end of Blue Pool Road.

Q. Can you describe where Blue Pool Road is?

A. It is right up Wongneichong Gap if you walk up along the Hongkong Sanatorium.

Q. Is that anywhere near the Race Course?

A. You got to climb quite up from Happy Valley.

Q. Was this house nearer to Happy Valley or the other end from Happy Valley?

A. It is near to a place where you go right up from Shan Kwong Hotel.

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EXAMINATION OF P.W. NO. 17 - CHAN WEL-FONG (cont.):

Q. How many people were in the house at the time when the Japanese came?

A. There were a lot of people, hundred-odd of them. They were men and women and when they came the men were segregated from the women and they were taken out of the house.

Q. What nationality were these people who were staying in the house?

A. Chinese.

Q. Were there any British soldiers in the house?

A. There were no British soldiers there.

Q. What time of the day was it when they first came to the house?

A. Near dusk.

Q. How many Japanese came, do you think?

A. As far as we saw, there were 20 or 30 of them.

Q. How were these Japanese dressed?

A. They were dressed in yellow drilled coat uniforms and had nets all around their body and they were wearing steel helmets with nets and some branches stuck.

Q. Where were the men taken to?

A. They were taken out to the road and then we could not see them any more.

Q. What happened to the women?

A. We women were kept in the house.

Q. How many were there of you women?

A. There were plenty of us, we did not know how many exactly.

Q. Were you all kept in one room?

A. We were kept in a flat not in one room.

Q. How many rooms were there in the flat?

A. There were about three or four rooms in that flat.

Q. The room that you were in, how many women were there?

A. We were not exactly locked up in a room. We were kept in the house and I cannot tell how many of us were there.

Q. Why couldn't you leave the house?

A. Japanese soldiers were on guard. We could not go out.

Q. Were there any Japanese soldiers inside the house?

A. They were. There were some Japanese soldiers in the house.

Q. Did these soldiers have any arms, weapons?

A. All of them had rifles.

Q. What happened to you women in that house?

A. Some of the women were dragged into a room.

Q. What happened to them after they had been dragged into the room?

A. This I could not see.

Q. Did the women tell you what had happened to them?

A. They said that they had been raped.

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EXAMINATION OF P.W. NO. 17 - CHAN WEI-FONG (cont.):

Q. Do you know how many ~~men~~ women had said they had been raped?
A. Two or three.

Q. Did they say who had raped them?
A. They said the Japanese raped them.

Q. Were you yourself molested in any way?
A. Not myself.

Q. Did you see these women just after they said they had been raped?
A. Yes, I saw these two or three women.

Q. In what condition were they?
A. They seemed very mentally upset, and terror.

Q. Were their clothes disarranged in any way?
A. I saw that some of their underwear were not worn properly and some buttons were not buttoned.

Q. What happened after that?
A. They came out as they were fixing their clothes.

Q. After these women had told you what had happened to them, what was the next thing that occurred?
A. Then the Japanese came out and looked at some other persons with their torchlights.

Q. Were any more women raped?
A. After that, towards dawn, I did not see any more women taken into the room.

Q. At dawn were the Japanese still in the house?
A. In the morning we did not see any more Japanese standing there, so we ran out.

Q. Did you see anything when you ran out?
A. I saw many male dead bodies lying on the road.

Q. What nationality were those dead bodies?
A. They were Chinese.

Q. Did you recognize any of them by name?
A. The first body I saw was the husband of a relative of mine.

Q. What was his name?
A. Leung Chiu-tung.

Q. Who was his wife?
A. Her surname was Lee. I cannot remember the other names.

Q. What was the condition of the body of Leung Chiu-tung?
A. His body was lying on the road. There was a mark of a bayonet wound near the pocket of his trousers.

Q. What was the condition of the other bodies that were lying there besides the one you have described?
A. All the others were also lying on the road.

Q. What did the bodies look like?
A. They were bleeding.

Q. Were the bodies close together or scattered around or what?
A. They were scattered, one at each place.

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EXAMINATION OF P.W. NO. 17 - CHAN WEI-FONG (Contd).

Q. Were they scattered at a distance more than the length of this room or shorter or what?

A. The place was not as wide as this room here, but was as long as this room.

Q. Did you see any bodies of women there?

A. Yes.

Q. How many?

A. One, upstairs.

Q. Was that in the same house that you spent the night?

A. That's right.

Q. What was the condition of that body?

A. She was stabbed in the back.

Prosecutor: No further questions, sir.

CROSS-EXAMINATION BY DEFENCE COUNSEL.

Q. What date of December did you say the date the Japanese came?

A. The 22nd.

Q. What makes you sure it was on the 22nd?

A. Because I was there.

Q. Do you usually use the Chinese calendar?

A. No.

Q. In the morning of the 22nd did you not see Japanese around there?

A. I did not see them.

Q. Did you see any Japanese passing by there before that date?

A. I did not see.

Q. Does it come to say that there was not even a single Japanese around that place until the date you saw the Japanese, on the 22nd?

A. That's right.

Q. Did you not, before that date, notice that fighting was being carried on near the house?

A. I do not know. We were in the house and I did not see.

Q. Then did you hear the sound of firing of rifles or artillery?

A. Yes, we heard a lot of artillery and rifle shots.

Q. Did you hear it on the 22nd?

A. Yes.

Q. Did you hear the sounds near or far away?

A. I heard lots of sound made by artillery and I heard rifle shots when the Japanese soldiers came to the house.

Q. Did you hear the artillery sounds near or far?

A. Quite near.

Re-examination declined.

No questions by the Court.

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Prosecutor: I would now like to lead evidence on No. 1 charge, sir.

President: This is not in camera?

Prosecutor: No, sir.

P.W. NO. 18 - COL. L.T. RIDE

The Witness is sworn.

EXAMINATION BY THE PROSECUTOR.

Q. Will you tell the Court your full name?
A. Lindsay Tasman Ride.

Q. Your age?
A. 49.

Q. Your present occupation?
A. Commandant of the Hongkong Volunteer Defence Corps.

Q. And your present address?
A. The University, Hongkong.

Q. Where were you sir, in December, 1941?
A. I was here in Hongkong.

Q. In what capacity were you in Hongkong at that time?
A. I was in command of the Hongkong Field Ambulance.

Q. Were you still in Hongkong when the garrison surrendered to the Japanese troops?
A. Yes.

Q. For the purpose of the record, what was that date?
A. 25th December, 1941.

Q. Did you visit the Island at all after the surrender?
A. Yes, I was on the Island at the time of the surrender.

Q. Did you go around certain positions on the Island after the surrender?
A. Yes.

Q. What date was that?
A. On the 29th December.

Q. Will you please tell us the circumstances which led up to that visit around the Island?
A. Being in command of the Field Ambulance I considered it my duty, after the surrender, to attempt to collect any of the wounded who may well be lying out in the hills. I made repeated attempts to get permission to do this and was eventually successful on the night of the 28th when a Japanese officer who was stationed around the University gave me a pass.

Q. That is the 28th of December?
A. That was the night of the 28th.

Q. Will you tell us exactly what happened on that day?
A. On the morning of the 29th I took the remaining transport we had in the Field Ambulance, which was an ambulance, with a couple of my officers and I went to Command Headquarters to see Col. Simpson, the ADMS.

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EXAMINATION OF P.W. NO. 18 - COL. L.T. RIDE (Contd).

Q. What were the names of the two officers?

A. Major Crawford, RCAMC, who was my second-in-command, and I am not quite sure of the name of the other officer. He was a RAMC officer.

Q. Where was Command Headquarters situated at that time?

A. In the same position as Land Forces Headquarters at the present time.

Q. Was that in Victoria Barracks, Hongkong?

A. Yes.

Q. What happened when you had been to visit Col. Simpson?

A. Col. Simpson agreed that we should go and he went with us. We went first to No. 2 advance dressing station.

Q. Sir, there is a map on the blackboard in front of you which covers the whole of Hongkong Island. Could you describe the route which you took on that map?

A. Here is Command Headquarters, 55 98, then we went along down Garden Road to Queen's Road, along Queen's Road to the bottom of Stubbs Road here and then up Stubbs Road right up here to Wongneichong Gap, which is 58 95. The advance dressing station of No. 2 Company Headquarters was situated just to the east of the road there.

Q. Did you find any wounded in that particular area you had just pointed out?

A. There was no wounded at all, but there were two dead bodies lying.

Q. Do you know where the Canadian Military Headquarters were at that time?

A. Yes, quite close to the advance dressing station.

Q. Where did you go after Wongneichong Gap?

A. We got through the Gap and down the Repulse Bay Road and after the Gap had been passed on the other side of the road we came across a number of British dead. We then decided to visit all the houses in that vicinity. Right through Wongneichong Gap down to the junction of Island Road.

Q. What was the condition of the bodies you first saw on the side of the road after you left Wongneichong Gap?

A. With regard to these bodies there was nothing to indicate ~~they~~ had died other than in action.

Q. After you had passed these bodies where was the next place you came to?

A. To a small road leading up to the houses known as the Ridge.

Q. Will you pin-point that, sir? We want a map reference.

A. 586 948.

Q. What did you find there?

A. Just before reaching the houses, lying on the small concrete road forming part of the roadway there were a number of British dead lying.

Q. What makes you say they were British dead?

A. They were wearing British uniforms, some military, some naval. We examined them all and their identify discs. Some of them had identity discs and some not. One body I remember distinctly was that of Lt-Col. McPherson, whom I had known personally, and his body was identified by his identity disc

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EXAMINATION OF P.W. NO. 18 - COL. L.T. RIDE (Contd).

A (Contd): which had his name on and his rank before he was promoted to lieutenant-colonel.

Q. What unit was Col McPherson in?

A. During the action he was in the Ordnance Corps.

Q. What was the condition of these bodies?

A. Col. McPherson's body was lying face down, the arms behind his back and his head had been smashed in.

Q. You say "arms behind his back." Were they tied together?

A. His arms were not tied together. The arms were very swollen and just about the wrists was a deep ^{G ROOVE} bruise on either wrist. (CN)

Q. Can you describe the condition of the other bodies you saw in the area?

A. The other bodies -- those lying around in that particular area -- none that I saw there had their wrists tied but most of them had wounds in the back.

Q. What sort of wounds were they?

A. Ones which were quite consistent with a bayonet wound.

Q. Can you say approximately how many bodies you saw in that particular area you just described?

A. In that area, around the Ridge, there were more bodies between two of the houses at the foot of the parapet.

Q. Was the foot of this parapet the butt of the road?

A. No.

Q. How many bodies were at the foot of this parapet?

A. I should estimate about a dozen.

Q. Will you describe the condition of these bodies?

A. They were lying in a heap and from the top of the parapet we could see the arms and legs still tied as they were lying in the heap.

Q. Did you notice anything else about the bodies at that time?

A. No, we did not go down. The parapet was about 15-20 feet deep. With regard to the number of the bodies I should estimate there were about 10 before we got to the house and over a dozen lying at the foot of this parapet.

Q. The ten that you saw before you came to the foot of the parapet, were they alongside the road?

A. They were lying on the road just before turning round to these houses. The names of those who had identity discs were unfortunately lost in China and the only other name of a person I remember was the body of Mr Tinson which I saw lying in his house.

Q. After you had been to the parapet, did you see any other bodies, continuing on your route to the south?

A. Yes, we visited all these houses along this road down to the junction of Island Road and in nearly every house there were one or two bodies. There were no indications on these bodies that they had died other than through action.

Q. Do you know a house called "Overbays?"

A. Yes, I visited "Overbays."

Q. Can you point that out on the map?

A. 585 931.

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EXAMINATION OF P.W. NO. 18 - COL. L.T. RIDE (Contd).

Q. In which house did you find the body of Mr Tinson?

A. I could go to it, but I can't pin-point it on the map.

Q. Is it north of "Overbays?"

A. Yes.

Q. South of "The Ridge?"

A. No, north of the "Ridge."

Q. Was it between Wongneichong Gap and "The Ridge?"

A. Yes.

Q. When you reached the junction of Island Road and Repulse Bay Road, where did you go from there?

A. We then changed our plans, as it was getting late -- we had wanted to go to Stanley -- and intended to go to the city via the west part of the Island.

Q. En route from the junction to the city did you see any bodies?

A. Yes. On the western side of Deep Water Bay, just after beginning to climb the ascent, we noticed large blood stains on the cutting on the western side of the road.

Q. Did you inspect that place further?

A. We got out of the ambulance and leading from those blood stains on the side of the cutting was a long stain running diagonally across the road leading to some concrete steps on the eastern side of the road.

Q. Did you find anything there?

A. Those steps led to a lion-light and lying on the steps were the bodies of six Middlesex soldiers, their hands still tied and their ankles tied and they had been decapitated.

Q. Can you pin-point that on the map?

A. 572 938.

Q. And then where did you go from there?

A. Col. Simpson decided it was too dangerous to stay around in that area and we decided to go back and went to Little Hongkong. There I saw 30-40 of our own troops who had been captured. We spoke with them for a while, brought one of the wounded back with us, and returned to Headquarters.

Q. Have you any medical qualifications, sir?

A. Yes.

Q. Can you tell us what they are for the record?

A. Doctor of Medicine, Oxford University, and Member of the Royal College of Physicians and Licentiate of the Royal College of Surgeons.

Prosecutor: No further questions, sir.

Cross-examination declined.

No questions by the Court.

Assistant Prosecutor: I should now like to call my next witness, sir.

President: Which charge do you propose to deal with now?

Assistant Prosecutor: Further on the first charge.

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P.W. NO. 19 - J. M. BAUD

The Witness is sworn.

EXAMINATION BY THE ASSISTANT PROSECUTOR.

Q. Will you tell the Court your full name?
A. Joseph Marie Baud.

Q. Your age?
A. 64.

Q. Your nationality?
A. French.

Q. And your occupation?
A. Merchant.

Q. Your present address?
A. 269 Prince Edward Road, Kowloon.

Assistant Prosecutor: With your permission, sir, I wish to lead one formal question.
President: Carry on.

Q. Where were you on December 23, 1941?
A. Repulse Bay Hotel.

Q. What happened at Repulse Bay Hotel that day?
A. On the morning of the 23rd the place was surrounded and at dawn the Japanese Army came in and we were -- there were a certain amount of guests in the dining room -- we were marched out.

Q. And then what happened?
A. We were stationed in front of the gate of "Eucliffe" Mr Eu Tong-sen's house, when a Japanese officer came with an interpreter and made a speech.

Q. What was that speech?
A. I don't remember exactly what he said, but he said we ought to be soldiers and he talked to us about the patriotism of every citizen and then told us to go back to the Hotel and we would be unmolested and to stay indoors.

Q. What happened after you had returned indoors?
A. Before we turned we saw several English soldiers kneeling in front of "Eucliffe."

Q. Exactly whereabouts in front of "Eucliffe."
A. Kneeling down, just in front of the door, at the entrance.

Q. In what position were these soldiers?
A. Kneeling down, hands tied behind their backs.

Q. What happened then?
A. They were marched in before we walked back to the Hotel.

Q. To where were they marched?
A. Inside "Eucliffe."

Q. Did you know what happened to them, then?
A. After I was in the dining-room of the Repulse Bay Hotel when I saw them marched one by one outside of "Eucliffe" towards the sea and they were made to sit down on the grass slope there going down to the sea.

Q. This grass slope of "Eucliffe" overlooked the sea?
A. Yes.

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EXAMINATION OF P.W. NO. 19 - J. M. BAUD (Contd).

Q. Then what happened?

A. Then I saw Japanese soldiers go behind and shoot them all one by one behind the head.

Q. How many British soldiers were there?

A. Seven.

Q. After the shooting, what happened to them, did you see?

A. They were left there -- one or two fell down -- the others were left there for two or three days.

Q. When you saw one or two fall down, you mean they went down the slope?

A. After they were shot. The other ones were pushed down four, five, six days later. The next day they were all burned.

Q. How do you know these bodies were burned?

A. There were some British soldiers coming with mattresses and kerosene and the mattresses were put on the bodies and the kerosene poured on them and then set fire.

Q. Can you remember how these Japanese soldiers were dressed?

A. I could not this time. All wore uniform. I can say green khaki dress, greenish colour.

Q. With what were they armed?

A. You mean when they were kneeling? A few carried rifles. Before that all carried rifles and bayonets.

Q. I am talking about the time when the men were marched into "Eucliffe."

A. You mean when the British soldiers were kneeling down?

Q. When the British soldiers were kneeling down and after that they were marched into "Eucliffe." With what were the Japanese soldiers armed?

A. They were armed with rifle and bayonet.

Q. Is there anything you can remember about the uniform the Japanese were wearing at that time other than what you have told the Court?

A. No.

Assistant Prosecutor: No further questions, sir.

Cross-examination declined.

No questions by the Court.

President: The Court will adjourn until 2.15 this afternoon.

ADJOURNMENT

At 1225 hours the Court adjourned to 1415 hours.

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RESUMPTION

At 1425 hours the Court re-assembled pursuant to adjournment, the same members as at adjournment being present.

P.W. NO. 20 - MAJ.-GENERAL TANAKA RYUSABURO

Witness is affirmed.

EXAMINATION BY PROSECUTOR:

Q. What is your name?
A. Tanaka Ryusaburo.

Q. Age? [REDACTED]
A. 54.

Q. Present address?
A. Stanley Prison.

Q. Your present rank?
A. Major-General.

Q. In December, 1941 was your rank Colonel?
A. Yes.

Q. You were in command of the 230th infantry regiment, is that correct?
A. No.

Q. Which regiment were you in command?
A. 229th Regiment.

Q. And you took part in the attack on the island of Hongkong, is that correct?
A. Yes.

Q. Will you tell us what was the general organisation of the troops that took part in the attack on Hongkong in December, 1941?
A. The Commander-in-Chief was Lieut-General Sakai. The various forces that were under Lieut-General Sakai were the 38th division.....

Q. Who was the commander of the 38th Division?
A. Lieut-General Sano. The Army Artillery group, the Army air force corps and there were many other units that were directly under the command of the army.

Q. Did the infantry group (Hohei Dan) of the 38th division take part?
A. The infantry group did not take part.

Q. Who was the 229th infantry regiment's commander?
A. I was in command.

Q. The 230th?
A. Col. Shoji.

Q. The 228th?
A. Col. Doi.

Q. Did these three regiments take part in the attack on Hongkong?
A. The three regiments mentioned took part in the invasion.

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EXAMINATION OF P.W. NO. 20 - MAJ.- GEN. TANAKA RYUSABURO (Contd)

Q. Can you tell us the general plan of attack for these three regiments?

A. I am unable to grasp the meaning of your question.

Q. Firstly, what was the general plan of attack for your own infantry regiment?

A. I was in command of the left flank force and therefore I know of the plan for the left flank force.

Q. Do you recognise this map (produced)?

A. Yes, I do.

Q. What is it?

A. It is a map of Hongkong Island.

Q. Can you, with the aid of this map, describe to us the general plan of attack on Hongkong?

A. I can do so of the left flank force.

President: Will you give a full description of that map?

Prosecutor: 19 sheet 23 ordnance maps reproduced in 1945, scale 1 over 20000.

Prosecutor: There are certain markings already on this map in ink. Can you explain what they are?

Witness: This is the route of the ~~west~~ ^{EAST} flank force.

Q. Is that your own regiment?

A. That is right.

Q. Firstly, will you tell us what the plans of the attack were, roughly, for the other two regiments, other than your own?

A. Two battalions from each of the two regiments became under the command of Major-General Ito and participated in the attack as the right flank force.

Q. Who is General Ito?

A. The person there (Witness indicates the accused). The left and the right flank forces were to advance parallel under the command of the divisional commander in the operation. The right flank force under the command of Major-General Ito landed at a point at North Point and at another point just east of North Point.

Prosecutor: Do you want these places pointed out as reference, Sir?

President: Do you propose to put in that map as an exhibit?

Prosecutor: I do.

President: I think map references would be better for the record.

Witness: The right flank force landed at a place between North Point (Map reference 5899) and Braemar Point (M.R. 6099).

President: Are both these places mentioned on the map?

Prosecutor: Yes.

Witness: The left flank force under my command landed on both sides of Shaukiwan.

Prosecutor: From which point did the first lot land. I mean did they have to come from the New Territories or what?

Witness: So far as I know one party was to start from the cement factory here (M.R. 5803) and the other part from the east end of Kai Tak aerodrome (M.R. 6103). The right flank

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EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TANAKA RYUSABURO
(Contd)

Witness (Contd): force started from the area round the cement ~~factory~~ and landed at North Point and another party from the east end of Kai Tak aerodrome to Braemar Point. The left flank started from this place (M.R. 6300) and landed here and another party from here (M.R. 6399). Now I will explain the area of combat of the right flank force under General Ito and the left flank force under my command. It is the east point of Taikoo Shipyard (M.R. 6199), the Tytam Reservoir (M.R. 6096), and I cannot remember now the boundary of this place but it was the south end of Mount Nicholson (M.R. 5794). I cannot remember well the position here. It was the gap between High West (M.R. 5297) and Victoria Peak (M.R. 5397). Therefore this is the line of boundary--the area to the right (West) of the boundary was the area of combat for Major-General Ito and the area to the left (~~West~~) of the boundary was the area of combat under my command. The plan of the divisional commander was to land at 2200 hours on December 18.

128 WEST
127 EAST

Q. Who was to land?

A. We all. The right flank was to advance in this way on Victoria Peak and the left flank was to go along on the left of the boundary to High West. The order of the ~~divisional~~ divisional commander was to reach the last point by dawn on the 19th.

Q. That is Victoria Peak, you mean?

A. Victoria Peak and High West. That was the plan of the divisional commander.

Q. Where was the Doi Regiment?

A. The 228th regiment under Col. Doi landed about here round Braemar Point.

Q. Col. Doi, which regiment did he command?

A. Two battalions of the 228th.

Q. What about the Shoji Butai?

A. The two battalions under Col. Shoji landed at North Point.

Q. And that was the 230th regiment?

A. Yes.

Q. Will you explain the movements of your own Butai, the 229th, in detail? Please explain all these lines and marks which have been made in ink.

A. The main force of the left flank was here (Ma Yau Fong, M.R. 6300) and the second force was stationed here (M.R. 6399). The advance force, that is the first party, left this position ~~(M.R. 6399)~~ at 2130 hours on the night of the 18th and reached here (M.R. 4984) at 2200 hours. The second force left here ~~(M.R. 6399)~~ and reached here (M.R. 4987) almost the same time, but to be exact there was a difference of 30 seconds. The first party, after landing here, attacked Mount Parker and before dawn we took this position. We then turned round this way and came together here (Tytam Reservoir, Point C). I was following the rear of this force but I lost my way. I was wandering round this area and on the morning of the next day I reached this point (Mount Butler, Point B). It was about a little after 12 o'clock of the 19th when the force gathered at Point C. At this position we took a long rest, had our lunch, and then advance along the road until about here (Stanley Gap). The head of the column reached here (Point D) about 1600 hours of the 19th. I will move to the left side

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EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TANAKA RYUSABURO (Contd)

A. (Contd): now. After landing they attacked the fort at Lyemun and this place and then they advanced as far here.

Q. What fort at Lyemun, where?

A. I was not there and I cannot tell exactly, but according to the report this was overrun (A2, A3, A4). They reached here.

Q. What is this line which is marked A5, B1?

A. This line shows that the party went past along here and reached this point. They advanced somewhere round this line and finally reached my position at about 1700 hours on the 19th.

Q. You mean from point marked B2 and point marked D?

A. That's right, Sir. It was then that I was able to have the left force under my direct command. This left party left one company at Tytam (B2) and joined me here (point D). Besides the one company that was left here (B2) I was able to have my whole force here (D). May I next proceed? When we first reached this position (Point D) at about 1600 hours the Doi Butai was in front of us, so I could not advance and so I wanted to go to Violet Hill (5994) and as the way was difficult I did not go. At that time the Doi Butai was attempting to attack at the enemy force towards the direction of Mt Nicholson (5795), so I thought over the situation as we were very much behind the scheduled time to reach our scheduled point. Moreover the enemy was still at Nicholson so I planned that when the Doi Butai succeeded in forcing themselves in front I would pass along this line and come to this point (Point E), the hill No.143.

Q. At Point E, is that right?

A. Not sure, I think it is Point E. But this cross-section here could not be pushed ahead.

Q. You mean Wongneichong Gap (5895), is that correct?

A. That's correct. It was not successful even at 2200 hours, therefore I had to bend down south my main force. I missed mentioning but in order to reach this point 143 (Point E) I first despatched a platoon, with the rest of the main force I bent down south.

Q. That is on the east of Repulse Bay Road, do you mean?

A. This was along a small creek that used to catch water.

Q. You mean water catchment?

A. It was a water catchment along the mountain to get the water here, and along this we went down south. It was a very hard march here we had and finally I reached here (Point F) at dawn 20th. The battalion that I sent in front of me took this route and went along down here.

Q. That is east of the Hotel, is that correct?

A. Round the hill over the east and then went down south. Then fighting started down at this place from about 8.30 or 9 o'clock in the morning.

Q. You mean around Repulse Bay Hotel?

A. We were being shot at from the Repulse Bay Hotel and therefore the fighting commenced.

Q. You mean from the actual building or the area of Repulse Bay?

A. From the building.

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EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TANAKA RYUSABURU (cont.):

Q. What date?

A. 20th. At that time I was still up here (Point F). We were marked from this house here, Eucliffe (Point L), also marked from this (indicates), also from artillery from this position.

Q. You were marked. What do you mean by marked?

A. We were shot at from Point "L", Eucliffe and from 596 923. Fighting here lasted from the morning of the 20th to the morning of the 23rd.

Q. You mean fighting in the area of Repulse Bay, is that correct?

A. Around the area of Repulse Bay Hotel. It lasted from the morning of the 20th to the morning of the 23rd. As the fighting here ceased we advanced along this line and came as far as this line.

Q. What time of the day did you leave Repulse Bay area?

A. The force that remained up here left at dawn.

Q. Did your troops attack the area of Repulse Bay Hotel and Eucliffe?

A. Yes.

Q. What time was the operation on the Hotel and Eucliffe completed?

A. I think it was 4 a.m. on the 23rd.

Q. Did you visit the Repulse Bay Hotel yourself, General?

A. I did not. I went as far as the front of Eucliffe.

Q. Did you make a speech there at all?

A. Yes.

Q. What time of the day was that?

A. About 9 o'clock on the 23rd.

Q. Who did you speak to?

A. The residents who were staying at the Hotel. There were about 70080 of them there, including men and women.

Q. When did you yourself reach Repulse Bay area?

A. That was about 9.30 in the morning, came along the road here as far as the Golf Course.

Q. What is Point K?

A. I did not insert this. I think it was said that some incidents took place at this, and I think therefore it was marked.

Q. All right, General, will you continue?

A. I reached here some time just before 12 o'clock.

Q. That is the Golf Course?

A. Yes, this lone house.

Q. Your own troops were already in front of you, were they?

A. Yes, they were gradually advancing. The battalion that attacked here turned to the east and pushed the enemy along.

Q. The [redacted] battalion attacked at Point O, do you mean?

A. The Hotel area, and then turned east. I will now come to the evening of the 23rd. The position was the force that came here reached somewhere here, beyond the bridge, along this

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EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TANAKA RYUSABURO (cont.):

A(cont.): line (5992). The other battalion was at this point 143 and the battalion commander was here at this point.

Q. At the Golf Course?

A. Yes. And I also reached this position (Golf Course). We reached and took this Brick Hill on the night of the 22nd but I omitted this. Then we decided to attempt a night attack of this line here on the night of the 24th. We took this line here at midnight of the 24th.

Q. That is a line east of the Aberdeen Reservoir, is that correct?

A. Yes.

Q. When did you eventually reach your objective?

A. This was the end and the fighting lasted only until the 25th at this position. The battalion here on the 24th made their way back and returned here (Golf Course). That's about all, Sir.

Q. The attack on the Shaukiwan area, how many troops were involved. In Shaukiwan I include Lyemun Barracks and Sai Wan Hill?

A. I think about one company overran this place.

Q. Does that include the whole of Shaukiwan or just Lyemun and Sai Wan?

A. Only this. I think another company along this line.

Q. You mean another company from this point (631 988) to point B1. You mean another company was used, is that correct?

A. I think one company battalion commander of this place came along here, came along this line and another company came along this line and then gathered at this point B2.

Q. How many troops were involved in the fighting in the Repulse Bay area. That includes the Hotel and Eucliffe?

A. Speaking of the whole period there was one battalion and another one more company.

Q. When your troops advanced towards Brick Hill, did they use the main road which runs along the edge of Deep Water Bay?

A. I was at this point and therefore I am not sure, but I presume they did.

Q. Did you order them to?

A. I did not know of the condition of this road and therefore I did not order, but I told them to go along the coastline.

Q. When you reached Wongneichong Gap, how many of your troops were there at the time?

A. Besides the one company I left at Point B2 and one platoon that I despatched to Point E, I had the rest of my force.

Q. That would be over two battalions, would it?

A. About two battalions.

Q. When you reached Wongneichong Gap, did you meet elements of the Doi Butai there?

A. Not at here.

Q. You met elements of the Doi Butai at Stanley Gap, is that correct?

A. There was a British AA battery there.

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EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TANAKA RYUSABURO (cont.):

Q. At Point 289 west of Stanley Gap, is that correct?

A. Just a little bit west of this place (Point 289).

Q. How many Doi's troops were there at the time?

A. I cannot be very sure, I cannot say exactly. There was a combat going on, therefore I cannot say exactly, may be about a battalion.

Q. In all the areas you have been describing to us, were yours the only combat troops in those areas?

A. At which place?

Q. The area of Shaukiwan?

A. There were artillery forces and ~~many~~ other units that were following right behind.

Q. Were yours the first to attack Shaukiwan and Lyemun Barracks and Sai Wan?

A. Yes.

Q. Were yours the first to attack the area around Repulse Bay Hotel and Eucliffe?

A. That's right.

Q. Is it correct to say that in Stanley Gap area the Doi Butai was ahead of you?

A. Yes.

Q. Did your troops attack the Middle Spur area?

A. This is a place about this Courtroom. There was only one pill box there (5893).

Q. Did your troops attack it?

A. Yes. I think they surrendered immediately.

Q. And did they then proceed down this Repulse Bay Road?

A. There is no road here to contact this. The unit here going down here was rolling down and slipping down the cliff around this place. They went down this side.

Q. Did they reach this Repulse Bay Road?

A. They had to come here and I think they did. May be there were some who went back along here.

Q. What date was it they attacked Middle Spur?

A. 20th.

Q. How many troops were involved in this attack on Middle Spur?

A. I cannot tell and I cannot imagine, I think very little.

Q. When did they leave that area?

A. Those forces besides those who were to attack here concentrated here on the night of the 20th.

Q. Is it correct to say that on the 23rd they eventually left the area here, Middle Spur?

A. On the morning of the 23rd from here we went down along here.

Q. You mean they went from Point 324 passing south of Middle Spur, and on to Repulse Bay Road on the morning of the 23rd, is that correct?

A. Yes. That was my order as I came down along this way, but I am not certain. I came down here.

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EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TANAKA RYUSABURO (cont.):

Q. You mean as you came down to Eucliffe?

A. Myself together with about 15 others came down to Eucliffe. The rest went down along this line.

Q. That is south of Middle Spur?

A. Yes.

Q. Were yours the first troops to pass along the road that runs round the edge of Deep Water Bay towards Brick Hill?

A. Yes.

Q. Can you give us any information of what the Shoji Butai was doing in this attack?

A. Yes, to a certain extent.

Q. Tell us what you know?

A. The Shoji Butai landed at here (North Point) and their action about this area, I am not sure. (Area around 5997, 5998). They reached Wongneichong Gap area on the morning of the 19th. I saw they were there towards the night of the 19th when I was passing by. I heard for certain directly from my Major-Gen. Shoji that they came here on the morning of the 19th.

Q. Were the three Butai commanders supposed to rendezvous at Wongneichong Gap?

A. No.

Q. Did you in fact rendezvous at Wongneichong Gap, all three of you?

A. We did not see each other here.

Q. Did you see Col Doi there?

A. No.

Q. When you saw his troops, do you know where Col Doi was?

A. I did not know.

Q. Did you try and get in touch with Col Doi?

A. There was no necessity.

Q. Did you ever get in touch with Shoji round about Wongneichong Gap area?

A. No.

Q. Did Shoji get in touch with you?

A. He did not.

Prosecutor: That is all for the map, Sir. I wish to put it in as an exhibit. I do not wish the Court to take cognisance of the writing which appears on the right hand side.

Prosecutor: No further questions, Sir.

President: Ordnance Map headed "Hongkong New Territories 3rd edition, Sheets 19 and 23, scale 1-20,000, taken into Court, signed by the President and marked Exhibit "BB". Writing in ink on the right hand side will not be noted by the Court. The exhibit is a map referred to in the evidence by Gen. Tanaka. The map is similar to that which is being used throughout the trial.

President: Are you going to produce further copies of the map?

Prosecutor: I cannot at this stage, Sir, but later.

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Defence Counsel: I will take some time, Sir, for my cross-examination. Would it be convenient to continue here or begin to-morrow morning.

[REDACTED]
Prosecutor: I had arranged to visit the areas which we have heard in the evidence to-morrow morning, Sir.

President: It seems from what the Defence Counsel says he will not be ready by to-morrow morning.

Prosecutor: It would be very inconvenient, Sir, that is all.

President: Has Defence Counsel any idea as to how long his cross-examination will take?

Defence Counsel: I will take some two hours.

Prosecutor: I will just have to make other arrangements.

President: In that case the Court will adjourn until 10 o'clock to-morrow morning.

ADJOURNMENT.

At 1600 hours the Court adjourned until 1000 hours on Friday, January 23, 1948.

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Lt-Col Warwick.

Trial of
Lt-Gen. ITO TAKEU.

5th Day,
Friday, Jan. 23, 1948.

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NO. 7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
FRIDAY, January 23, 1948.

5TH DAY'S Proceedings in the Trial of:
Lt-Gen. ITO TAKEO, of the Imperial
Japanese Army.

At 1015 hours on Friday, January 23, 1948, the Court
re-assembles pursuant to adjournment. Present: The same
members as at adjournment on Thursday, January 22, 1948.

The Court then proceeds to the Jockey Club, Happy Valley.
The party comprises, besides Members of the Court, the Prosec-
utor, Assistant Prosecutor, Defence Counsel and his Advisory
Officer, several Prosecution witnesses, Court stenographer,
Court Monitor and an interpreter, and the accused.

P.W. NO. 13 - MISS AMY WILLIAMS
(Recalled By Court).

The President reminds Witness she is still bound by
her former oath.

QUESTIONS BY THE COURT:

President: What is this place we are now standing?

Witness: This is the section I referred to in my
evidence, the relief hospital, that portion on my left.

Q. Where were you when the Japanese first entered?
A. On the ground floor of that section.

Q. Will you show us?

Witness leads Court to the ^{Jockey Club} Public Betting Booths.

A. This was used as a hospital.

Q. How many patients were here at the ^{time} the Japanese came?
A. About 130; half male and half female.

Q. Where were the Indian soldiers kept?
A. In the middle section in the centre.

Q. Where was the room that you and the other nurses were
put into?

A. Over here. (Witness indicates "Money Changer" Booth).
It was built differently. They have altered it a-bit. We
were in this one section.

Q. Do you know the room where the nurses were taken to and
raped?

A. On the first floor.

Q. How were these partitions built up at that time?

A. They look different to me. We all got together and some
lay on the tables and some underneath the tables.

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QUESTIONS BY COURT OF P.W.NO.13 - MISS AMY WILLIAMS (Recalled)
(Cont.):

Q. Were all the walls built right up to the roof?
A. No. We never had any freedom at all. There were black curtains over all the windows and the place was very much darker. Guards were on watch all the time.

Prosecutor: I would ask the Court to hear this witness in camera now, Sir. If any names are mentioned I don't want the Press to mention them.

Q. In reference to that, can you remember any of the names of the nurses?
A. Miss Baron, Mrs Cryan, Mrs Himsforth, Mrs Rossley, Mrs Robinson, Mrs Popson, Mrs Madgewick, Miss Sally, Miss Paterson.

Q. You ever heard of a Miss Da Roza?
A. Yes, she was with us.

Q. Was she with you on the night in question?
A. Yes.

Q. Was she raped?
A. No.

Q. Will you tell us briefly what happened to her?
A. She was taken out with the first five and went upstairs. She pleaded sickness and they allowed her to come down.

No Questions by Defence Counsel.

Court next proceeds to Blue Pool Road.

P.W. NO.17 - CHAN WEI-FONG.
(Recalled By Court).

The President reminds the Witness that she is still bound by her previous affirmation.

QUESTIONS BY COURT:

Which is
President: [redacted] the house you referred to in the evidence you gave?

Witness: This is the house.

Q. What is the name of this place?
A. This is Blue Pool Road here.

Q. Which is the road where you saw the bodies of Chinese male lying?
A. Here (Witness points to outside of building).

Q. From where to where were the bodies situated?
A. The first one was here (points to point immediately outside right entrance). Others were lying over that side (points to place further up the road). In that place and in that passage there (points to passage leading to what appears to be a garage).

Q. Is it correct to say that the bodies were scattered between that point - the passage you have just described - and the point on the road on the side of the entrance?
A. Yes.

Court estimates passage is about 26 yards from the entrance.

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QUESTIONS BY COURT OF P.W.NO.17 - CHAN WEI-FONG (Recalled)(Cont.):

Q. How many bodies were there?

A. Around 30-40.

Q. And was this the house in which you found the body of the Chinese female?

A. Second floor of the house.

No Questions by Defence Counsel.

P.W. NO. 21 - LEE YEUK-LAN.

The Witness is sworn. (Court still at Blue Pool Road outside house described by P.W. No.17 - Chan Wei-fong).

EXAMINATION OF WITNESS:

Asst.

/Prosecutor (Major Cross): Will you tell the Court your full name?

Witness: Lee Yeuk-lan.

Q. Your age?

A. 30.

Q. Your nationality?

A. Chinese.

Q. And your present address?

A. 300, Sai Yeung Choi Street, Kowloon, second floor.

■ Asst. Prosecutor: With the permission of the Court I will lead formal evidence, Sir.

Q. Where were you on December 22, 1941?

A. I was living on the second floor of No.42.

Q. So that you mean this building here?

A. Yes, No.42. This is the building.

Q. What happened on that day?

A. At dusk on that day we heard the sound of machine gun fire, so we went down to the ground floor. When we got into the flat and closed the door, Japanese soldiers came and banged at the door. The door was opened and we were all herded to the back-yard there.

Q. When you say "we", who do you mean?

A. All of us here in the flat.

Q. Can you remember any of the names of the people who went to make up that party?

A. My husband, Leung Chiu-tung, my God-sister, Liu Siu-ching, another friend of my husband, Kwok Hon-chow.

Q. About how many of you were herded out of the house here?

A. 100-odd of us, including men, women and children were herded to the back there.

Q. What happened after that?

A. The men were segregated from us.

Q. And then?

A. Then the men were taken out and we were left behind at that place.

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EXAMINATION OF P.W. NO. 21 - LEE YEUK-LAN (cont.):

Q. Can you be a little more accurate. Can you show the Court where on the ground you mean?

A. That path at the back of the house there is quite long, the men were made to stand along here and this place here. They were told to raise their hands.

Q. And the women?

A. Then we women were told to get back to the house.

Q. Where did you go, the women, then?

A. After we women were herded back into the house, some soldiers were standing at guard, some entered into the ~~fat~~ and selected some women amongst us and proceeded to rape them.

Q. By that do you mean to say that the women were raped in front of you?

A. No. I only saw some of the women dragged into a room and then they came out from that room again.

Q. How did you know that they were raped?

A. They said so when they came out from the room.

Q. Can you remember how many were raped?

A. Around 10.

Q. Did this raping happen at one time or was it over a period?

A. A few soldiers came in and took a few of the women to the room and then this raping was not done at once altogether, it was done continuously throughout the night until about 3 o'clock the next morning.

Q. Were you one of the 10 you mentioned?

A. No, fortunately I was pregnant after nine months, and I had two children with me.

Q. Did anything happen at 3 o'clock in the morning?

A. I don't know at that time because it was so early in the morning.

Q. What happened next?

A. When we came out in the morning I saw many dead bodies of the men lying along here (indicates outside garage) and the body of my husband was the first one at the corner. (Witness begins to cry).

Q. By the corner, where exactly do you mean?

A. At the back of this (indicates just outside entrance of House No.42).

Q. Were you able to see why your husband was there then?

A. Yes.

Q. What was the reason?

A. I came out of the entrance of the house, when I just came out I saw my husband's body lying there.

Q. Was there anything on your husband's body to show the cause of death?

A. I saw a mark of a bayonet wound here (indicates ^{chest and} right side of hip).

Q. About how many other bodies were there, can you remember?

A. 40-odd dead bodies were lying all along here.

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EXAMINATION OF P.W. NO. 21 - LEE YEUK-LAN (cont.):

Q. Could you see what had caused their death?

A. I don't know, but as far as I know they were stabbed - that friend of ours called Kwok from Canton, one here and another one here.

Q. Did you see any such marks in any other bodies?

A. With a glance I could see that others died in the same way, too.

Q. Can you remember [redacted] in what way these Japanese troops who arrived around dusk on December 22 were dressed?

A. They were in their Japanese Army uniform, with camouflage nets; steel helmets, also nets on their [redacted] helmets with branches stuck into the nets and they were armed with rifles and bayonets.

Q. After you came out of the house and found these bodies, what did you do?

A. After seeing my husband's dead body I ran away because fighting was still going on. I ran away to Wanchai and went to a friend's house.

Q. How long did you stay there?

A. About four days.

Q. Where did you go then?

A. Then I came back here to look for my husband's dead body. At that time I saw all the dead bodies piled up on that ground (indicates vacant plot opposite house), and also found that the Japanese had already been living in this house, so I found my husband's dead body amongst the bodies piled up there and buried it.

Q. At that time were there any other bodies of males that you recognised that you can name?

A. This man I mentioned called Kwok. His sister came to get his body also.

Assistant Prosecutor: No further Questions, Sir.

CROSS-EXAMINATION OF WITNESS:

Defence Counsel: Did you not see Japanese soldiers there during the daytime of the 22nd?

A. Witness: I did not see.

Q. Did you hear gunfire on that day?

A. I heard sounds of intense artillery and also some sniping.

Q. In what direction did you hear it?

A. From what we could figure out, they seemed to be coming from the hillside.

Defence Counsel: That's all, Sir.

Re-examination Declined.

No questions by the Court.

Prosecutor: I would like the Court to take cognisance of the map reference to these two positions we have just

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Prosecutor(cont.): visited. First, Wongneichong Valley, Race Course, Jockey Club, these two buildings, 573 974. The point we have just visited, a point south of the Wongneichong Valley 582 968. Last point mentioned is what witnesses Chan Wei-fong and Lee Yeuk-lan have described as Blue Pool Road.

President: These are references referred to in map Exhibit "BB" (Sheets 19 and 23).

Court next proceeds to Stanley Gap via Stubbs Road.

P.W. No. 4 - F. R. ZIMMERN.
(Recalled By Court).

President reminds Witness he is still bound by his former oath.

QUESTIONS BY COURT:

President: What is this place?

Witness: This is Stanley Gap and this is the quartermaster's hut where we were surrendered.

Q. Where was the spot where you saw the bayoneting taking place?

A. We were lined up in three rows just along here facing that direction.

Q. That is facing east you mean?

A. Yes.

Q. Where is the mess hall that you were taken into after the bayoneting?

A. It is just on top of the quartermaster's hut. It was a matshed with cement concrete flooring. It is just above here.

Q. That is the place that received a direct hit?

A. Yes.

Q. Which is the spot that you saw the bodies of McKechnie, Gosling and Lim after you had come out from the mess hall?

A. Just along here.

Q. Which route did you take when you were marched to North Point?

A. Along this route.

Q. It is along the route to the east?

A. Yes.

Q. From this position, where is Jardine's Lookout?

A. In that direction, due north.

Q. From which direction did you come when you first came to the quartermaster's hut?

A. We came along Sir Cecil's Ride which meets the road down here to the west.

Q. The spot where we turned off from the main road, do you know what they call that place?

A. Wongneichong Gap.

Q. When you were being marched back to this place to North Point, did you see any bodies on that route?

A. Yes, quite a number of bodies lying along the road. I

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QUESTIONS BY COURT OF P.W. NO. 4 - F.R. ZIMMERN (Recalled)(cont.):

A(cont.): also saw a funeral pyre, bodies were being cremated.

Q. Any indication of the nationality of the bodies?

A. Their faces had been blackened at the time we saw them. They had on great coats, British Army issue.

Q. How many did you see?

A. I would say about 20 or even more.

Q. Did you find them alongside of the road, or....

A. Alongside the road. There were four together in one lot, I remember.

Q. Will you take the Court to the mess hut which received a direct hit?

A. Yes.

Witness leads Court to a point immediately above the quartermaster's hut.

A. This was the hut, a temporary matshed with cement floor. There were two rows of tables stretched across, with benches so that we could sit. We were over 150 placed in here. We did not have any room to move about. Some had to squat, some had to stand, we could never sit at the same time.

Q. What were the walls and roof made of?

A. Just straw and matting, might have been wood.

For the record: The Court viewed the mess hall and its approximate measurements are 36 feet by 15 feet.

(The structure had since been destroyed, only the cement flooring remains intact).

CROSS-EXAMINATION OF WITNESS:

Defence Counsel: When you surrendered from which direction did the Japanese come?

Witness: Some came from that direction and some over Jardine's Lookout which is just there overlooking the harbor. We were attacked from both directions.

Q. What was the approximate strength, the number of Japanese soldiers?

A. We could not ^{see} It was dark when we were attacked.

Prosecutor: You mean the Japanese came from the east along Stanley Gap Road and from north in Jardine's Lookout?

Witness: They attacked from two directions. The force that came from Jardine's Lookout was the one that wiped us out in Jardine's Lookout itself. They came over the hill.

Court next proceeds to the present Wongheichong Police Station on Blue Pool Road.

P.W. NO. 18 - COL. L.T. RIDE.
(Recalled By Court).

President reminds Witness he is still bound by his former oath.

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QUESTIONS BY COURT OF P.W.NO.18 - COL. L.T. RIDE (Recalled):

President: Will you now show us on the ground the positions you first saw the bodies of Allied prisoners.

Witness: (Indicating present Wongneichong Police Station): This was the advance dressing station, No.2, and this was the first place we visited. There were two bodies lying on the floor just inside here.

Q. What was the date you found these bodies?

A. December 29, and of course all this has been built up since. The inside was in complete shambles and the bodies had been partially burnt.

Court is now on Repulse Bay Road.

A. Coming along this road (Repulse Bay Road) from the Gap, you see these culverts on the side, there were occasional bodies of British soldiers, obviously just being thrown in. There was nothing on the bodies to indicate that they had been murdered in cold blood. Then we went up to visit those houses there (witness indicates houses on side of road).

Q. We don't want to see the actual spot where the bodies were found, if you can give us some indication as to where we are now....

A. Bodies in groups were lying just outside the houses we see here, just to the left there on the concrete road which is a continuation of this road up.

Q. This continuation of the road marked 21-23, is that correct?

A. Yes. And the bodies of the men thrown over the wall, over the side, you cannot see it from here, between the two end houses.

Q. This is still on the road?

A. Yes.

Q. What is this place?

A. This road leads up to Overbays, the house up there.

Q. What is the junction that I see about 100 yards to the south? is the

A. This junction between Repulse Bay Road and Island Road.

Q. What is Overbays?

A. It is a private house.

Court proceeds to Deep Water Bay.

Q. What is this place?

A. This is Deep Water Bay.

Q. What is this particular spot?

A. When we were driving up here on the morning of December 29 I noticed large bloodstains on the side of the cliff just there. There were blood trails streaked across the road to this position here. I stopped the ambulance and got out, and looking over the edge here I saw six bodies of men who belonged to the Middlesex Regiment lying here on those steps. Their heads and feet were still tied and they had been decapitated.

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QUESTIONS BY COURT OF P.W.NO.18 - COL.L.T.RIDE (Recalled)(cont.):

Q. Is this the place you referred to as Lyon-light?
 A. Yes. This is the Lyon-light here.

Court next proceeds to Repulse Bay Hotel.

P.W. NO. ⁹ - MRS. B. WARD.
 (Recalled By Court).

President reminds Witness she is still bound by her former oath.

QUESTIONS BY COURT:

President: What is this place?
 Witness: Repulse Bay Hotel.

Q. Where did you see the British soldiers shot?
 A. Over in Eucliffe across from here. Just over this little slope.
 Q. Going south, with the appearance of a castle?
 A. Yes.
 Q. Which part of the building did you see them shot?
 A. Just down on the grassy slope there.
 Q. The grassy slope due east?
 A. You see the bank there, just below.
 Q. From where did you see them. Where were you then?
 A. In the dining room.
 Q. Will you show us?

Witness leads Court into dining room of Repulse Bay Hotel.

A. It is here, as far as I can remember.
 Q. Did you look out of these two windows?
 A. Yes.
 Q. What place did you see the bodies still lying there five days afterwards?
 A. The same spot.
 Q. Did you see them from this dining room?
 A. Yes.
 Q. And after that when you still saw the bodies lying there, was it from here as well?
 A. From the west wing and from the tennis court.

Witness leads Court to tennis court of Repulse Bay Hotel.

A. We had a full view from here.
 Q. Is this called the west wing?
 A. Yes.
 Q. East of the hotel?
 A. This is what we call the west wing.
 Q. Did you occupy a room in this west wing?
 A. Yes.

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QUESTIONS BY COURT OF P.W. NO. 91 - MRS B. WARD (Recalled)(cont.):

Q. Which floor?

A. Top floor.

Q. And you saw the bodies from the top floor?

A. There was a red cloth covering them. And it was from here that I saw this coolie bayoneted.

Q. Where did that happen?

A. You see the two posts there, this side, they were sitting there.

Q. That is on top of the steps leading off the road?

A. Yes.

Q. Just about 70 yards...

A. He was right there. You see the posts there, they bayoneted him and then shot him.

Q. You remember the Japanese General who spoke to you?

A. Yes, in the dining room.

Q. That is the room we have just come from?

A. Yes.

No questions by Defence Counsel.

President: The Court will adjourn until 2.15 this afternoon and will re-assemble in the Courtroom.

ADJOURNMENT.

At 1255 hours the Court (at Repulse Bay Hotel) adjourned to 1415 hours in the Courtroom.

(Cont. on Page 109).

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Resumption

At 1430 hours the Court re-assembled pursuant to adjournment, the same members as at adjournment being present.

P.W. NO. 22 - MISS LOIS FEARON

Witness is sworn.

EXAMINATION BY PROSECUTOR:

Q. What is your name?
A. Lois Fearon.

Q. Present address?
A. 42 Dina House.

Q. Where were you on December 8, 1941?
A. In Hongkong.

Q. What particular part of Hongkong?
A. Shauiwan. Salesian Mission.

Q. What was that place used for at that time?
A. First aid post.

Q. What personnel were posted to this place?
A. St John Ambulance, ANS and Canadian Army.

Q. Who were the Canadian Army personnel?
A. Medical personnel.

Q. How many personnel were there in the ~~St John~~ St John Ambulance Brigade section?
A. To start with there were many more than when we finished up with. We had at least 14 when we finished up.

Q. Were you at the Salesian Mission when the Japanese invaded the island of Hongkong?
A. Yes, I was.

Q. What was the first occasion when you knew the Japanese were coming to the island of Hongkong?
A. The night before they arrived.

Q. What date was that?
A. December 18.

Q. How did you know that they were coming to Hongkong?
A. I was told by the villagers that they had arrived.

Q. When did you actually see the Japanese?
A. On the morning of the 19th.

Q. On the morning of the 19th what did the personnel of the St John Ambulance consist of?
A. Six nurses and eight men.

President: Major Ormsby, are there any people in Court who are going to give evidence?

Prosecutor: There is one here who is being recalled on the events in Lyemun Fort.

President: Well, he can't stay in Court.
The witness was told to leave the Court.

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EXAMINATION OF P.W. NO. 22-- MISS LOIS FEARON (Contd)

Prosecutor: Were the nurses European or Chinese or what?

Witness: One ANS European, one Indian and the others Chinese.

Q. What nationality were the men?

A. St John Ambulance were all Chinese.

Q. The Canadian detachment, how many were in that?

A. Six to eight.

Q. Were there any officers?

A. One officer, Capt. Banfill.

Q. Were there any other people there besides those you have mentioned?

A. There were some RAMC staff.

Q. How many?

A. They varied: sometimes four, sometimes eight up to then.

Q. Were there any doctors there besides Capt. Banfill?

A. Yes.

Q. Who were they?

A. Dr Orloff, Dr Tsang, Dr Chau and another doctor.

Q. Who was in charge of the whole first aid post?

A. I was.

Q. What was Capt. Banfill's position in this post?

A. He was in charge of the army personnel and I was in charge of the civilian.

Q. Do you remember a Dr Thomas?

A. Yes. Dr Thomas belonged to the Volunteers and he came down from Lyemun Fort and spent a couple of days with us.

Q. When did he come to the Mission?

A. Two days before the Japanese came in.

Q. What happened when the Japanese came to this Salesian Mission? Will you tell us in sequence the events right from the beginning?

A. When they came we were given warning by Oakley that they were there. We were taken out. We were lined up, to start with, against the front of the building and then they took us aside. They put up their guns--I don't know how to describe it--and they were about to take us away when a Japanese doctor stopped them. We were then marched up towards the hill with the men behind us. They went towards the right hand side and we went up to the Fort on the left.

Q. How many Japanese did you see in the first place?

A. I would say about 100.

Q. What time of the day was this?

A. 8 o'clock in the morning.

Q. How were the Japanese dressed?

A. They came fully camouflaged with branches sticking out and grass.

Q. Were they armed?

A. They were all armed.

Q. What with?

A. With guns.

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EXAMINATION OF P.W. NO. 22 - MISS LOIS FEARON (Contd)

Q. When you say Oakley warned you about the approach of the Japanese, who was Oakley?

A. He was an aide to Capt. Banfill. He had gone outside and he was wounded by the Japanese.

Q. Was he a Canadian?

A. Yes.

Q. Were there any patients in this place when the Japanese came on that morning?

A. We had just loaded the patients into a truck.

Q. Who were the patients?

A. There were two soldiers and about three Chinese civilians.

Q. What nationality were the soldiers?

A. Canadian.

Q. What happened to that truck they had just been put in?

A. The truck was stopped outside our building and they were all dumped out of it.

Q. Who dumped them out of it?

A. The Japanese.

Q. Did you see them do that?

A. Yes.

Q. What happened to them after they had been dumped out of the truck?

A. They lay on the ground.

Q. What time of the day did that happen?

A. That must have been 8.20 in the morning.

Q. Were there any other patients in the first aid post besides those you have mentioned, those who were dumped out of the truck?

A. No.

Q. Who were made to line up outside? Can you tell me what personnel?

A. The RAMC, Canadians, St John Ambulance and the ANS.

Q. Tell us again what happened to that party.

A. The Canadians were bayoneted to death, and Dr Orloff who tried to run away was shot. A couple of our St John Ambulance men were shot and the others were killed.

Q. Where ^{were} you lined up in the first place? Was it near the building?

A. Right in front of the building.

Q. Were these Canadians shot in that particular spot or somewhere else?

A. On the hillside.

Q. How far was it from the building were they shot?

A. We walked up on the main road and before we got to the Fort where you turn towards Lyemun to go up, they were taken to the right hand side on the path.

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EXAMINATION OF P.W. NO. 22 - MISS LOIS FEARON (Contd)

Q. When you say we were marched up, who do you mean?

A. Mrs Tinson, Miss Suffiad, my six nurses and Dr Tsang.

Q. They were all the people just in your party, is that correct?

A. That is correct.

Q. Where were you being led?

A. Up to the fort.

Q. In relation to the ~~mission~~ mission, where is the fort?

A. On the left hand side of the road, going towards Shek O.

Q. In this party of Canadians that you say were shot, how many actually did you see were shot?

A. I saw them being bayoneted from behind and as soon as they started to run they were shot. Many shots were fired.

Q. How many would you say were in that party?

A. Altogether about 20.

Q. Did you see Capt. Banfill with that party?

A. I saw Capt. Banfill with that party and then he was led over the brow of the hill.

Q. Out of that party, how many did you see actually bayoneted and shot?

A. I thought the whole lot.

Q. Will you tell us again what you saw happening to Dr Thomas?

A. I thought Dr Thomas was dead but I saw him again.

Q. Do you mean you thought he was shot?

A. Yes.

Q. And Dr Orloff. Will you tell us again what happened to him?

A. I saw his body on the ground, dead.

Q. How far away were you at the time when you saw him lying on the ground?

A. I cannot tell the distance but it was on the football ground of the Salesian Mission.

Q. If I ask you to go and show us that place, could you do it?

A. Yes.

Q. What happened after you saw the shooting of those men?

A. We were led up to the fort and made to wait outside.

Q. You mean Lyemun Fort?

A. Yes.

Q. How long did you remain there?

A. At least an hour.

Q. Was this first aid post marked in any way?

A. With the Red Cross.

Q. Where was this Red Cross placed?

A. A flag on top of the building and a sign down below in chalk mark.

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EXAMINATION OF P.W. NO. 22 - MISS LOIS FEARON (Contd)

Q. Can you show us where it was marked on the ground if I ask you to?

A. Yes.

Q. Were the St John Ambulance detachment in uniform or not when the Japanese came?

A. Yes.

Q. What sort of uniform was that?

A. Well, I had a white uniform, being a Corps officer. The nurses had a blue with a white apron and a Red Cross on it.

Q. Were the Canadians and RAMC personnel in uniform or not when the Japanese came on the 19th?

A. Yes, they were.

Q. Did they wear anything to denote that they were medical personnel?

A. Yes, they did.

Q. What did they wear?

A. Capt. Banfill, you can tell he is a medical officer by his pips colour, and they had Red Cross arm bands.

Prosecutor: No further questions.

CROSS-EXAMINATION DECLINED.QUESTION BY THE COURT:

Q. Can you point out where the Salesian Mission is on that map?

Witness goes to the map on the blackboard and after examining it, says: I am sorry, I have not looked at a map like this before. But I can take you there.

President: Witness may stand down.

Prosecutor: I should now like the Court to visit certain places -- first, the Salesian Mission where I wish to recall Miss Fearon, then Lyemun Barracks, where I would like to recall Chan Yam-kwong, and then St Stephen's College, where I should like to recall Mr Begg. I think by then it will be fairly late and we will not be able to visit the Maryknoll Mission and Tytam Tuk this afternoon.

President: Then when do you propose to visit?

Prosecutor: On Monday, since we have arranged to have the cross-examination of Maj-Gen. Tanaka to-morrow. Defence Counsel said he would take two hours. That will leave us only half-an-hour in which to visit these two places to-morrow.

President: Could it not be arranged for cross-examination to come after our visit? Which would be the most suitable?

Prosecutor: I don't mind when the cross-examination is taken.

President: I think it would be more suitable for the Court to go out to-morrow morning. The cross-examination of the General can take place on Monday. The Court will now adjourn to visit the scenes on which the witnesses have given evidence.

ADJOURNMENT

At 1515 hours the Court adjourns.

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RESUMPTION

At 1535 hours the Court re-assembles on the Island Road outside the Salesian Mission, Shaukiwan. Present: The same members as at adjournment.

P.W. NO. 22 - MISS LOIS FEARON
(Recalled By The Court)

QUESTIONS BY THE COURT.

Q. What is this place?
A. The Salesian Mission.

Q. Was this the place you described as the first-aid post?
A. Yes.

Q. Will you show us from where you were first taken before you were lined up?

A. This was our first-aid hospital right here (Witness leads the Court to the front room in the north face of the building).

Q. Where were you lined up?

A. We were lined up here (Witness points to spot on ground at north face of building).

Q. Where was the Red Cross flag which marked the building?
A. Right up the top there.

Q. On top of that tower to the east of the building?
A. Yes. We had a cross marked out here.

Q. What sort of a cross was it?

A. It was from that tree there to here and to that tree. It was of whitewash with redwash (Witness indicates a square of about 25 square feet).

Q. Now from this place where you were lined up, in which direction were the men led off?

A. Up this path.

Q. And the women?

A. With them.

Q. Will you show us to where you were led before you were split up?

(Witness leads the Court to a spot on Island Road 50 yards south from the Mission).

Q. Did anything happen at this point?

A. This is just about where they stopped the ambulance and took the wounded out and threw them on the ground. The men went off right up here (Points to path leading up to hillside).

Q. The party split up where the ambulance was stopped?
A. Yes.

Q. Where did the women go?

A. They went up the road and up to the top building there. It was from there we saw all this taking place.

Q. Where was it taking place?

A. Over here. Orloff's body was on the football field behind this wall. This wall here is new, since the war.

Q. Did the shooting take place by that water catchment?
A. Yes.

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QUESTIONS BY THE COURT OF P.W.NO.22 - MISS LOIS FEARON (Recalled)

President: Has Defence Counsel any questions?
 Defence Counsel: No, sir.

The Court notes that the Salesian Mission is marked on the map, Exhibit "BB" A5 in red ink, reference 62 97.

The Court proceeds up to Saiwan Fort.

On road leading up, Court notes view looking west over the Salesian Mission. There is a water catchment running up the eastern slope of Mount Parker, and also the football field which is on the southern side of the Mission.

P.W.NO. 3 - CHAN YAN-KWONG
 (Recalled by the Court)

QUESTIONS BY THE COURT. (Witness is reminded of his former oath).

Q. What is this place?

A. It is called Saiwan Fort.

Q. Were you stationed here with the 5th A.A. Battery, HKVDC?
 A. Yes.

Q. Is this the spot you referred to in your evidence?
 A. Yes.

Q. Where were you before you surrendered to the Japanese?
 A. Lying along the path there.

Q. Where were you taken after you surrendered?
 A. Taken into the first magazine there, the one coloured with green camouflage.

Q. Where were the men bayoneted?
 A. When they came out of the first door, the top door.

Q. Where were the bodies thrown?
 A. Next to the kitchen. This is the kitchen here (Witness points to building below the magazine indicated).

Q. Can you show us the spot where you were thrown?
 A. Down there where they were throwing stones and gas-masks, so I crawled into the kitchen.

President: Does Defence Counsel wish to ask any questions?

Defence Counsel: No, sir.

The Court notes that Saiwan Fort, where they stand, is marked on the map, Exhibit "BB," A4 in red ink, reference 63 97.

The Court proceeds to St Stephen's College, Stanley.

P.W. NO. 14 - S. D. BEGG
 (Recalled by the Court)

The witness is reminded that he is still ^{bound} by his original affirmation.

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QUESTIONS BY THE COURT. P.W. NO. 14 - S.D. BEGG (Recalled).

Q. You remember you described to the Court St Stephen's College Hospital?

A. Yes, this is the building.

Q. Will you take us to the main hall?

A. This is the main school hall.

Q. Where were the patients?

A. They were in rows all down the sides and also in rows all down the centre.

Q. Where were you yourself?

A. My bed was approximately where that pillar is (Witness indicates a corner of the hall).

Q. Through which entrance did the first Japanese troops enter?

A. Those two entrances there. This end of the hall was completely blocked up. There were beds covering the whole of that wall. Those doors could not be used.

Q. After the first onslaught you said you were taken to another room? Where was that?

A. Those who survived were marched out of this door (Witness indicates door on right side of hall). I omitted one minor detail in my evidence. Before we were taken to the room upstairs we were all mustered in a room here. This is the room in which we were all mustered. The position became very dangerous here with mortar shells and light rifle fire going on all around, so we were all driven at the point of the bayonet back along this corridor and up this staircase. (Witness leads Court up staircase to the first floor and along corridor to a room near the end of the passage). It is either this or that room. I should say it is this room.

Q. How many were in there?

A. Between 55-60. It was very crowded in here. There were wounded, dead bodies, the sick. You will remember I referred to the audibility of the partition. That is what I mean.

Q. The next morning you had to build a fire?

A. We did not build the fire. The fire was started with the aid of school desks by the Japanese.

Q. Would you like to show the Court the fatigue you did in the hope of finding your wife?

(On way out of passage, witness indicates room where the seven nurses and some Chinese women were locked up for the night. Room in near end of passage at the top of the stairs).

Witness: It was at this entrance that Col. Black and Capt. Whitley attempted to stop the mad massacre by standing here in the door. Col. Black was shot through the head and bayoneted here dozens of times while he lay on the ground. (Witness indicates door on the right of the hall through which the Court had earlier passed).

Witness next leads the Court to an open space.

Witness: This is where the enormous kerosene fire was lit with the aid of school desks and this is where all the bodies were burned.

Q. Can you tell the Court where the body of your wife and the other two women were found?

A. The bodies of the three murdered V.A.D.'s were found just behind this first tree covered by my wife's overcoat.

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QUESTIONS BY THE COURT OF P.W. NO. 14 - S.D. BEGG (Recalled).

Q. And you said in your evidence the hospital was marked. Can you tell us where this mark was?

A. On the other side of the building you will see a square of grass. There was an enormous Geneva cross painted there, but besides that the tower -- it had been hit by shelling -- but despite that the tower carried a big Red Cross flag.

Q. By "painted" you mean painted on the lawn?

A. On the lawn, in case of aerial attack. There were Red Crosses on both sides of the building. It may be argued that the flag cannot be seen, but in contradiction to that, you see where the mist is? That was where I crawled from my swim and on Christmas morning the flag was clearly visible from that point.

The Court next proceeds to the Maryknoll Mission, Stanley.

P.W. NO. 11 - LAM SAM-YIN
(Recalled by the Court)

The witness is reminded that he is still bound by his original affirmation.

QUESTIONS BY THE COURT.

Q. Is this the place you referred to in your evidence as the Maryknoll Mission?

A. That is right.

Q. Will you show us the room where the wounded British soldiers were?

A. In the building there (Witness takes the Court into the building and indicates a passage to the right of the entrance hall).

Q. They were all here?

A. Yes, from there until here.

The Court next proceeds to a small road behind the Carmelite Monastery, Stanley.

P.W. NO. 10 - YIM HUNG
(Recalled by the Court).

The witness is reminded that he is still bound by his original affirmation.

QUESTIONS BY THE COURT.

Q. Could you show the Court where you saw the British soldiers bayoneted and shot?

A. I was squatting here and the soldiers were bayoneted to death here (Witness points to side of cutting at the end of road leading up behind the Carmelite Monastery).

The Court notes the map reference of Stanley Maryknoll Mission. It is the building above the "T" in Stanley in square 6091, and the position the Court is standing is approximately the letter "Y" of the word Stanley in the same square.

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QUESTIONS BY THE COURT OF P.W. NO. 10 - YIM HUNG (Recalled).

Q. Where were the bodies buried?
A. Over that side.

Q. How far away?
A. Up there.

President: Does Defence Counsel wish to see the place?
Defence Counsel: Not necessary.

President: We will adjourn now until to-morrow morning
at 10 o'clock.

ADJOURNMENT

At 1735 hours the Court adjourned till 1000 hours on
Saturday, January 24, 1948.

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Lt-Col. Jarwick

Trial of:

Lt-Col. JTO TAKEO.

6th Day,

Saturday, Jan. 24, 1948.

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NO. 7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
SATURDAY, January 24, 1948.

6TH DAY'S Proceedings in the Trial of:
Lt-Gen. ITO TAKEO, of the Imperial
Japanese Army.

At 1015 hours on Saturday, January 24, 1948, the Court
re-assembles pursuant to adjournment. Present: The same
members as at adjournment on Friday, January 23, 1948.

The Court then proceeds to the Tytam Tuk Pumping Station.
The party comprises, besides Members of the Court, the
Prosecutor, Assistant Prosecutor, Defence Counsel and his
Advisory Officer, Court stenographer, Court Monitor, an
interpreter and the accused.

P.W. NO.15 - CHAN SAI-SO
(Recalled By Court).

QUESTIONS BY COURT:

President reminds witness he is still bound by his
original affirmation.

President: Where is this place?

Witness: The Tytam Tuk Pumping Station.

Q. Where were you when the Japanese came?

A. I was up there.

Q. Will you show us?

Witness leads Court up several flights of steps to the
servants quarters of a house situated some 50 yards from the
Pumping Station.

A. That night I was sleeping in that room there.

Q. You mean in this small building adjacent to the residence?

A. Yes. This is the servants quarters, the third room from
this side.

Q. Where were you taken along with Mr Flegg and Mr Davidson
and tied up?

A. When the Japanese soldiers came, Mr Flegg and Mr Davidson
were up there (indicates window on first floor of residence).
When the soldiers knocked at the door, from there they called
for me to open the door, so I went.

Q. You mean from the house which is about 25 yards from
the servants quarters, is that correct?

A. Yes, and there was also an electric bell connected to
our quarters.

Q. Where were you taken by the Japanese?

Witness leads Court into residence.

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QUESTIONS BY COURT OF P.M. NO. 15 - CHAN SAI-SO (RECALLED(cont.)):

A. At first when the two Europeans were taken down here, they were in their pyjamas and we two were tied up and kept here in this room. The two Europeans were tied up and kept in the next room.

Q. You were kept in this room which appears to be a dining room, is that correct?

A. We two were kept here.

Q. When you were dragged out prior to the shooting of Mr Flegg and Mr Davidson, from where were you taken?

A. From this room.

Q. From this room which appears to be a dining room?

A. Yes.

Q. Where did they take you to?

A. At first I was told to get into the kitchen to boil some water, then I was told to go up the hill.

Q. Where did you see Mr Flegg and Mr Davidson shot?

Witness leads Court outside of residence to an embankment a few yards from it.

A. This place (embankment) was much higher, about so much higher (indicates about two feet). It is made lower now, but this was the place.

Q. You mean this embankment about five yards from the front of the residence, is that correct?

A. Yes. All of us were standing like this.

Q. Facing the water, you mean?

A. Yes.

Q. What happened to the bodies?

A. They fell down the slope and then their bodies were at first lying down near where the tree now is, then later they were buried over that side.

Q. You mean that tree on the beach about 30 feet down the embankment, is that correct?

A. Yes.

Q. Were they tied up before they were shot?

A. Yes, their hands were tied behind their back.

CROSS-EXAMINATION BY DEFENCE COUNSEL:

Defence Counsel: Where is the place you said you carried medical supplies of the Red Cross for the Japanese?

Witness: The Japanese soldiers had these boxes just here at the door and they told me to carry them up the hill.

Q. Whereabouts in that hill?

A. The hill on the right side.

Q. About how many Japanese were there?

A. Lots of them, they were still fighting.

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Defence Counsel: No further questions.

Prosecutor: It might be noticed, Sir, that the witness points to a hill to the south of the residence which is marked "Red Hill" on the map.

President: The Court will adjourn until 10 o'clock on Monday morning.

ADJOURNMENT.

At 1055 hours the Court adjourned until 1000 hours on Monday, January 26, 1948.

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Lt-Col. Warwick.

Trial of:

Lt-Gen. ITO TAKESHI.

7th Day,

Monday, Jan. 26, 1948.

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NO. 7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
MONDAY, January 26, 1948.

7TH DAY'S Proceedings in the Trial of:
Lt-Gen. ITO TAKEO, of the Imperial
Japanese Army.

At 1020 hours on Monday, January 26, 1948, the Court
re-assembles pursuant to adjournment. Present: The same
members as at adjournment on Saturday, January 24, 1948.

President: Before we proceed, there are one or two
alterations to be made in the script.

President: Page 92, first paragraph. Where it says
"right" and "East" in brackets, it seems from the evidence
that that should be "West" in brackets. Next line to that
where it says "left" and "West" in brackets, I think that
should be "East" in brackets. Do you agree?

Prosecutor: Yes, Sir, that's quite correct.

President: Do you agree?

Defence Counsel: Yes, Sir.

President: On page 91, about middle of the page, the same
thing applies. "This is the route of the west flank force,"
do you agree that that should be east flank force?

Prosecutor: Should read east.

Defence Counsel: I agree to the east, Sir.

President: You agree that that paragraph should read "east
flank force" and not "west?"

Defence Counsel: The only thing, Sir, in the Japanese
Army, it is regularly called left flank and right flank. What
I am afraid of is in the future evidence which will be produced
in the Court, there might be some mixed-up if it is altered as
east and west flanks. If possible, Sir, I would prefer the
evidence to be produced as right flank and left flank in order
to facilitate the other Japanese witnesses' evidence.

President: It is essential that we get down to some
basis so that everybody knows what is east and what is west
in the evidence.

Defence Counsel: Yes, I agree to that. In that case,
I propose the left flank to be called east, and the right
flank the west flank.

President: That's quite agreeable. That is what I
understand the situation should be. Do you agree?

Prosecutor: Yes, Sir, but it might be north and south
if they are explaining a pivot, and a line right and left flank
might be north and south.

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ALTERATIONS TO SCRIPT: (cont.):

President: The question is, how they embarked on the Island - left and right, on the east or west side?

Prosecutor: That part is all right, Sir, if they are talking about a pivot and swing round to the south, then we are going to get north and south.

President: Witness has referred to right and left flank forces and obviously he is taking them as leaving the mainland and coming on to the island, those on the left and those on the right. It is a question of whether the left were operating on the east or the west of the island. I see your point about the pivot, I don't think that that should complicate it. What we want to determine now is whether the left flank was operating on the east or on the west of the island. We must get that clear. I think you will have to alter that to west flank on page 91 to conform to what we have decided; regarding the first paragraph on page 92, do you agree that that should read "east flank forces?"

Defence Counsel: Yes, Sir.

President: On page 92, last paragraph, the three-figure^{map} references do not mean anything. I am afraid if you want that evidence to be of any value, it is necessary to give a four-figure reference.

Prosecutor: I know at the time I was giving four-figure references, Sir. I would not know how to give three-figure references.

President: Quite probable the stenographer did not hear you.

Prosecutor: We can get the notes, Sir, when the stenographer who took them at the time comes on at 2 o'clock.

President: Is he the same stenographer who is in Court now?

Prosecutor: No, Sir. He comes on at 2 o'clock.

Prosecutor: I have noticed one mistake in the transcript, Sir. On page 86, examination of P.W. No.18, Col. L.T. Ride, third answer. "The arms were very swollen and just about the wrists was a deep bruise on either wrist." I am sure the witness said "groove," Sir.

President: Does Defence Counsel agree?

Defence Counsel: Yes, Sir.

President: We will alter that. Any other alterations?

Prosecutor: That's all, Sir.

P.W.NO. 20 - MAJ.-GEN.TANAKA RYUCABURO.

President reminds Witness he is still bound by his original affirmation.

CROSS-EXAMINATION OF WITNESS:

Defence Counsel: Will you explain the distribution of the troops of the attack force on Hongkong in the Hongkong Island operation?

Witness: Please repeat your question.

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CROSS-EXAMINATION OF P.W. NO.20 - MAJ.-GEN. TANAKA RYUSABURO
(cont.):

Q. Will you explain to the Court the distribution of the troops of the 38th Division and the attack force in the Hongkong Island operation?

A. I will start from the attacking force of the Hongkong Island. HQ of the 23rd Army, 38th Division, Army air corps, Army artillery group, Army communication corps, independent mountain artillery, independent mountain artillery battalion, two mortar battalions, two independent pom-pom (quick-firing) battalions, anti-tank artillery, there were two battalions.

President: You are still referring to pom-pom?

Witness: Pom-pom.

A(cont.): One independent engineer regiment, Army automobile corps, smoke corps, two independent supply company, anti-epidemic water supply section, Army gendarmerie, that's about all that I can remember now.

Q. Then, will you explain in detail the distribution of the force of the 38th Division?

A. May I ask you before I answer the question: Are you asking me the distribution of force which came under the Commanding Officer of the 38th Division, or are you referring only to the force of the 38th Division?

Q. I am referring to the various forces that came under the command of the 38th Divisional commander?

A. I will first refer to the troops under the command of the 38th Division. The Divisional commander of the 38th Division had under his command 15 original units and 11 units attached from outside in the Army, altogether there were 26. I will now explain the various units. Right flank, left flank, right artillery group, left artillery group, strait crossing corps (the unit that took the soldiers across straits), signal corps, divisional reserve force, Kowloon garrison unit and the rest were under the direct command of the Divisional commander. They were called units under the direct control of the Divisional commander. Do you want me to explain these units?

Q. Will you now explain the distribution of strength of these various units?

A. The right flank force was under the command of Maj.-Gen. Ito, and it consisted of about four infantry battalions. To speak more accurately, the 228th Regiment minus one battalion, the 230th Regiment minus one battalion, one battalion anti-tank, one company engineers, a part of smoke corps I think about a platoon, such was the strength of the right flank force. As I have mentioned the other day from Kowloon.....

Q. That's all right. Will you turn to the left flank force?

President: Will you explain definitely what you mean by left flank and right flank force?

Witness: By the plan of the Division commander, he made up two parties in the attack. One was to land on the right side and the other was to land on the left of it.

President: Will you define which is right and which is left on the map?

Witness: In our Japanese Army, the left facing the enemy line is the left flank and the right facing the enemy line is

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CROSS-EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TANAKA NYUSABURO
(cont.):

Witness(cont.): the right flank, Sir. The right flank was under the command of Maj.-Gen. Ito. Is that clear, Sir.

President: It is clear.

A(cont.): I will turn to the left flank force. The Commanding Officer of the left flank force was Tanaka, that is myself. The strength was the 229th Infantry Regiment minus one battalion, one engineer company minus one platoon, one anti-tank company, this was the strength of the left flank force. Right artillery group, Divisional mountain artillery regiment, one mortar battalion, this was the organisation of the right artillery group. The left artillery group, independent mountain artillery regiment, independent mountain artillery battalion, mortar battalion, strait crossing unit, independent engineer regiment and the main force of the Divisional engineer regiment, Divisional reserve force, one battalion of the 230th Regiment, one battalion of the 229th Regiment, that is two battalions, the Kowloon Garrison unit, one battalion from the 228th Regiment, such was the strength of the outstanding units.

Prosecutor: I am not quite clear, Sir, ^{about} the last answer. Was that infantry regiment part of the left artillery group?

Witness: The Divisional reserve force consisted of one battalion of the 230th and the 229th Infantry regiment.

Defence Counsel: Based on the evidence this witness has already given just now, may I have the permission of the Court to ask the witness to sketch this strength out on a piece of paper to make it more legible?

President: Yes, you may.

Defence Counsel: May I supply the witness with a piece of paper and pencil?

Pencil and paper handed to witness.

Completing the writing, the paper is handed to the Court.

President: Do you propose to put this into Court as an exhibit?

Defence Counsel: Yes, I do.

Witness: I wish to make an explanation to this. In my evidence I omitted this supply column. I forgot to mention about it and I have written it in here.

President: I want that read to the Court by the interpreter.

Interpreter (reading from paper handed to Court): Commanding Officer of 38th Division. Right flank force -- Commanding Officer, Maj.-Gen. Ito, 228th Infantry Regiment minus one battalion, 230th Regiment minus one battalion, independent anti-tank battalion, one engineers company, one platoon smoke corps. Left flank force -- Commanding Officer, Col. Tanaka, 229th Infantry Regiment minus one battalion, one anti-tank company, anti-tank artillery company, one engineers company minus one platoon. Right artillery group -- Commanding Officer, Regimental Commandant of the Divisional mountain artillery, divisional mountain artillery regiment, mortar battalion. Left artillery group, Commanding Officer, independent mountain regi-

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CROSS-EXAMINATION OF P.N. NO. 20 - MAJ.-GEN. TANAKA KATSUO
(Contd.).

Interpreter (Contd): ment, Commandant independent mountain artillery regiment, independent mountain artillery battalion, mortar battalion. Divisional Reserve Corps, one battalion of 229th Infantry Regiment, one battalion of 230th Infantry Battalion, strait crossing unit, independent engineer regiment, main force of Divisional engineer regiment. Kowloon Garrison Unit, one battalion of 228th Infantry Regiment, signal corps. Units under direct control, independent anti-tank artillery battalion, main force of smoke unit. Divisional Ordnance Corps. Divisional Medical Corps. Two Divisional Field Hospitals. Divisional depot for taking in injured horses. Anti-epidemic and water supply section. Supply Column. Supply regiment. Two independent supply companies.

Witness: I wish to make an addition.

Interpreter: Under the units of direct control there is the addition of combined cavalry companies.

President: Mr Kunihiro, this evidence has already been given by the witness and it has now been read out and taken down by the stenographer. Have you any particular reason for putting that in as an exhibit.

Defence Counsel: I am satisfied if it is taken down in the record of the proceedings.

President: It has been taken down.

Defence Counsel: Then I am satisfied with that, sir.

Defence Counsel continues his cross-examination.

Q. Did Maj.-Gen. Ito land on Hongkong Island as the Commanding Officer of the 38th Infantry Group?
A. No.

Q. How can it be said that that was not so?
A. In the attack on Hongkong Island, Maj.-Gen. Ito was ordered by the Divisional Commanding Officer to be the Commanding Officer of the right flank force.

Q. Then under whose command was your left flank force which you commanded?
A. I was under the command of the Divisional Commanding Officer.

Q. What about the right flank force?
A. Also the Divisional Commanding Officer.

Q. In the operation on Hongkong Island do you know which unit was engaged in the fighting in the Stanley area?
A. Yes.

Q. Will you explain about it?
A. After our force had landed on Hongkong Island, the Divisional Commanding Officer allotted a separate force in the assault on the Stanley area, that is, the Divisional Commander allotted the Divisional Reserve Force to attack the Stanley area. As far as I know I understand that the two battalions which were allotted as a divisional reserve force were engaged in the attack on Stanley.

Q. By that you mean one battalion from the 230th Regiment and one battalion of the 229th Regiment, is that right?
A. Yes.

Q. Then under whose command was this unit?

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CROSS-EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TAMURA KYUSABURO
(Contd.).

A. Naturally it was under the command of the Divisional Commanding Officer.

Q. What was the unit called, the unit that was engaged in the attack on the Stanley area?

A. It was called the Stanley attack unit.

Q. Was any unit allotted to the town area of Hongkong?

A. I did not know of the situation at that time, but I know about it from the following things that I heard from the Divisional Commanding Officer. The right regiment of the right flank force, the Shoji Butai, did not enter the town. Therefore the Divisional Commanding Officer was worried about this and he had to send the gendarmes, the strait crossing unit and other units that were with him into town.

Q. Will you then state the connection between the right flank force under Maj.-Gen. Ito's command and the left flank force which you commanded?

A. The left and the right flank forces were by themselves under the command of the Divisional Commanding Officer. The left flank force and the right flank force were on the same standing and they had no relation between each other.

Q. Then what was the relation at that time between Maj.-Gen. Ito and the Stanley attack unit?

A. They also had no relation between one another.

Q. And then what was the relation between Maj.-Gen. Ito and the town mopping-up unit?

A. They also did not have relation.

Q. What was the relation between Maj.-Gen. Ito and the artillery group?

A. They also were not related to each other. The right artillery group was ordered by the Divisional Commanding Officer to assist the right flank force.

Q. Then do you mean to say that the various troops that were engaged on the operation on Hongkong Island were on equal standing, is that right?

A. These various units organized were all on equal standing. They had no relation between each other.

Q. Can you give the approximate strength which came under the command of Maj.-Gen. Ito during the operation on Hongkong Island?

A. Will you please repeat your question?

Q. The strength of the troops that were directly under the command of Maj.-Gen. Ito?

A. I think about 5,000.

Q. What was the approximate total strength of the Japanese Army that landed on Hongkong Island?

A. I think about 21,000.

Q. What was the strength that you took command?

A. About 2,000.

Q. Then may I take it that Maj.-Gen. Ito commanded approximately 25 per cent. of the Japanese forces that landed on Hongkong Island, is that right?

A. That's right.

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CROSS-EXAMINATION OF P.W. NO. 20 - MAJ.-GEN TANAKA RYUSABURO
(Contd).

Q. Could Maj.-Gen. Ito, who was commanding the right flank force, issue orders to you, who was commanding the 229th Regiment, with his authority as the Commanding Officer of the Infantry Group?

A. No, that is never possible. It is impossible. If he had done such a thing it would be a violation against the Supreme Command. It would be a great crime.

Q. Then please explain the relation between Maj.-Gen. Ito's position as Commanding Officer of the right flank force and as the officer-in-charge of the 38th Infantry Group?

A. During the operation on Hongkong Island, Maj.-Gen. Ito's appointment was to be the commanding Officer of the right flank force and therefore he was then not the officer-in-charge of the 38th Infantry Group.

Q. Does that arise from the distribution of forces in the Army?

A. It is because the Divisional Commanding Officer made the distribution of force, as I have explained, and therefore it becomes such.

Q. During the operation on Hongkong Island, besides the left and the right flank forces, were there any other units that went out to the first line?

A. I think I can say that almost all units advanced to the first line. I think only the field hospital did not go out to the first line. The others all advanced to the first line.

Q. Was there any unit that took charge of the POWs?

A. At first we did not have such a unit, but I think the Divisional Commanding Officer made some arrangement for it.

Q. In order to accommodate the POWs, was there any POW camp made?

A. The Divisional Commanding Officer notified me during the very early stage that he had made a place for concentrating the POWs. It was to the east of Wongneichong.

Q. Did you hear about any other places?

A. I heard that it was made at North Point later.

Q. In handling the POWs, was any first line units used?

A. No.

Q. When was it that Maj.-Gen. Ito was made the officer commanding the 38th Infantry Group?

A. As far as I can remember, it was August, 1941.

Q. After Maj.-Gen. Ito took up his position as Commanding Officer of the 38th Infantry Group, was there any change of distribution of force under his command? If so, will you state about it, the changes that occurred prior to the operation on Hongkong Island?

A. There were changes from time to time.

Q. Will you explain about it in their correct order?

A. From August, 1941, to the attack on Hongkong, not Hongkong Island, was one period. Another one at the time of the crossing of the Sino-British border in the New Territories, and until December 9. The next was until the Kowloon Peninsula was completely captured. Then comes the landing operation on Hongkong Island.

Q. Do you know what changes were made in these periods?

A. First, concerning the period from the time when he took up

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CROSS-EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TANAKA RYUSABURO
(Contd).

A (Contd): his post until the time of the ~~commencement~~ commencement of the attack on Hongkong. During this period the 228th, the 229th and the 230th Regiments were under the direct control of the Divisional Commanding Officer. The Infantry Group Commanding Officer, Maj.-Gen. Ito, was at some other area. Therefore we three regimental commanders were not under the command of the Infantry Group Commander.

Q. Then at that time Maj.-Gen. Ito did not have any troops under him, is that right?

A. He had one battalion under him.

Q. Will you continue then?

A. After the outbreak of the Pacific War until December 9, Maj.-Gen. Ito took command of the 229th and the 230th Regiments. The Divisional Commanding Officer commanded directly the 228th Regiment. Then Maj.-Gen. Ito took command of the 229th Regiment, and the 228th and the 230th Regiments came under the command of the Divisional Commanding Officer.

Q. Is that during the attack on Kowloon?

A. That is right.

Q. And then?

A. Then during the operation on Hongkong Island Maj.-Gen. Ito took command of the right flank force as I have explained in the organisation chart.

Q. Where was the HQ of the 38th Infantry Group prior to the attack of Hongkong?

A. It was located at a place called Shekki in Chungshan district.

Q. At that time what was Maj.-Gen. Ito commanding and what was the strength under him?

A. One infantry battalion.

Q. Then was he able to command other units?

A. He could not.

Q. What is the reason?

A. Because various regimental commanders were garrisoned at the various places under the command of the Divisional Commanding Officer and therefore they could not receive orders from Maj.-Gen. Ito. In other words Maj.-Gen. Ito and we regimental commanders were on equal standing.

Q. Then what is the duty of the Infantry Group Commanding Officer? That is, his duties during normal times?

A. Do you mean when he had no operational orders?

Q. I mean the duties when he has no operational duties. His normal duties.

A. Is it like when he is in Japan?

Q. Yes.

A. The Commanding Officer of an Infantry Group was to train and educate his group, to command and supervise.

Q. How was the organisation of the HQ of the Infantry Group?

A. You mean under normal circumstances?

Q. Yes.

A. The Commanding Officer of the Infantry Group, two officers and 5 NCOs, that's all.

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CROSS-EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TANAKA RYUSABURO
(Contd).

Q. Will you explain the difference between the HQ of a Division and the HQ of an Infantry Group?

A. They are beyond comparison because one has an organisation of about 10 in all, that is the Infantry Group HQ, and the HQ of a Division, even in normal circumstances, consists of about 300. In the Japanese Army there is no HQ as small as the Infantry Group HQ. There is no other HQ which consists of only two officers and five NCOs.

Q. What is the reason that such a small number of staff was sufficient for the Infantry Group HQ?

A. Because they have no work. It is because they have not much duties.

Q. Now, concerning the education of the troops, what is the relation between responsibility, as far as education is concerned, of the Divisional Commanding Officer, the Commanding Officer of the Infantry Group and the Commanding Officer of a regiment?

A. In short, a Divisional Commanding Officer has the whole responsibility on him concerning the education of his subordinates. The regimental commanding officer also has the whole responsibility of the education of his subordinates. But the Commanding Officer of an Infantry Group has to command and supervise his subordinates only.

Prosecutor: May I ask the interpreter what the word "education" means in this respect? Is that a literal translation?

Interpreter: Literal translation.

Witness: The education I mean now is to educate a person to be a good soldier and to train them to become a soldier and to train them to form an Army. I have no regulations with me. If I have it with me I can explain to the Court very accurately. It is accurately and clearly stated in the Army Education Order. If I have with myself this, I can state this very clearly. I will explain about it as far as I can remember.

Defence Counsel: I may take some time on this line. Would the Court like to adjourn or shall I continue?

President: The Court will adjourn until 2.15 this afternoon.

ADJOURNMENT

At 1235 hours the Court was adjourned until 1415 hours.

Resumption

At 1425 hours the Court re-assembled pursuant to adjournment, the same members as at adjournment being present.

CROSS-EXAMINATION OF P.W. NO. 20 - MAJ.-GENERAL TANAKA RYUSABURO (Contd)

Q. About education in the Japanese army. You said that the commanding officer of an infantry group was the supervisor in respect of education of troops. Who was the actual person who did the education?

A. Company commanders were the persons directly responsible for the education of their subordinates. In view of my explanation or definition of the term education I will not mention of battalion. The regimental commanders were

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CROSS-EXAMINATION OF P.M. NO. 20 - MAJ.-GEN. TANAKA KENJI
(Contd)

A. (Contd): responsible for the education of their regiments. The divisional commanding officers were responsible for the education of their divisions.

Q. What was the relation between the responsibilities of the divisional commanders and the commanders of infantry groups in respect of education?

A. Divisional commanders would make clear their principles and objects of education of troops under their command. They would also supervise the education of subordinates under their command and would by themselves train their subordinates and inspect them. The commanders of infantry groups only supervised the education of troops under their command and could not do anything else.

Q. When do you mean to say that commanding officers of infantry groups had no authority of inspecting regiments under him?

A. Of course he did not have such authority.

Q. In the Japanese army what was the position of the commanders of infantry groups in respect of the organisation in the Japanese army?

A. Are you referring to the chain of command or are you referring in respect of education?

Q. I am not confining myself only to education but in general what would be the relative position of an infantry group commander?

A. In the Japanese army, commanders of infantry groups have less responsibility. In other words, more simply, it is not worth existing, the army can go without it. It is merely an intermediate between division and infantry regiments.

Q. When what is the reason for the Japanese army to have such a position as commanding officer of an infantry group?

A. It is an organisation of the Japanese army. It might take a little longer to give the whole explanation, or shall I make the explanation as brief as possible?

Q. If possible, will you do it in detail?

A. In the Japanese army a division is a strategic unit. Since the China Incident the Japanese army had expanded greatly. In Japan the whole mobilisation plan was carried out. At that time a strategic unit consisted of four infantry regiments, and the four regiments were divided into two brigades. Those two brigades belonged to one division under the divisional commander. As the war progressed in China much more strategic units became necessary. However, it was very difficult to make up so many strategic units as required. Therefore, though it had been studied by specialists all over the world and was considered unsuitable, one regiment from each division was taken out and consequently strategic units consisting of only three regiments were made. Consequently, the position of brigade commander was abolished. In the Japanese army, Lieutenants-General were appointed as divisional commanders by the Emperor himself, and therefore there was no position for Majors-General. Since the strategic unit was cut down to three regiments, there was no position left for Majors-General and therefore the question arose as to what the Majors-General should do. In order to solve this question an infantry group headquarters was established though it had no value or of any use. In other words, in order to solve the question which had arisen in the personnel administration, such infantry group headquarters was organised, and Majors-General were placed temporarily in such positions. Therefore, these

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CROSS-EXAMINATION OF P.M. NO. 20 - MAJ. GEN. TANAKA
RYUJIMBURO (Contd)

A. (Contd): commanding officers of infantry groups were not given much responsibility and they did not have much prescribed duty according to the regulations. Under such circumstances the infantry groups were organized. It is not my personal opinion but it is what I was told by the army authorities that an infantry group was an organization which was not necessary.

Q. It is said that during the last war this infantry group system was abolished, is that right?

A. That is right.

Q. When was this organization abolished?

A. During that time I was in Rabaul and we could not communicate with any other place outside and so I cannot remember well, but in our own division the infantry group system was abolished, I think, in April, 1944.

Q. Do you know of the reason why this system was abolished?

A. When I was at the Rabaul area army headquarters I heard that the placing of Majors-General as commanding officers of infantry groups was done for the convenience of personnel administration, and as the war progressed there were many positions that had to be filled by Majors-General so this organization of infantry groups was abolished. In other words, a superfluous organization that existed ceased to exist.

Q. At the commencement of the attack on Hong Kong, did Major-General Ito make any speech or something of the sort?

A. As I have said previously I was not in the position to hear any speech by Major-General Ito. However, I know of Ito's speech. I heard about this from Major-General Shoji. Also I knew of it from what Major-General Ito told me when we separated after we received divisional orders at the divisional headquarters on the day which I cannot forget, that is December 17.

Q. Will you explain about it?

A. From Major-General Shoji I was told that Major-General Ito made a speech based on the orders of the divisional commander. He said as follows: To comply with international law, not to do any unlawful acts as there are many inhabitants in Hong Kong. When I separated with Major-General Ito he said as follows: As we have received orders from the divisional commander I have instructed my subordinates very carefully. He also said, "From the bottom of our hearts let us engage ourselves in the attack on Hong Kong with our best without any mistakes." Now I can still remember that I in response replied, "Let us do our best." Such are the things that I can recollect.

Q. In the Japanese Army when some crime was committed in an infantry group how was the commanding officer of the infantry group dealt with?

A. By crimes do you mean crimes committed by a person in performing orders given by the commanding officer of the infantry group or crimes committed by the individual himself?

Q. I mean crimes committed on their own discretion.

A. In such a case the commanding officer of the infantry group is not responsible. He does not have responsibility, therefore he would not be punished.

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CROSS-EXAMINATION OF I.M. NO. 20 - MAJ.-GEN. TANAKA RIUSABURO
(Contd.).

Q. Are there any examples in the Japanese army that infantry group commanders were not held responsible for crimes committed by subordinates?

A. Yes. Quoting the 226 incident which happened in February, 1936.....

Prosecutor: The Prosecution is willing to admit that anybody in the Japanese army is not to be held responsible for crimes committed under his own discretion, that is from the divisional commander downwards under Japanese law, if that would save time.

Q. How long had you been regimental commander of the 229 regiment?

A. Exactly two years.

Q. During this period how long had you been under the command of Major-General Ito who was the commanding officer of the infantry group?

A. About 10 days.

Q. From when to when was it and at which place?

A. It was between December 8 and December 12, 1941. It was from the commencement of the attack on Hongkong, that is crossing over the border to the capture of Kowloon. In other words from the commencement of the Pacific War to the date that Kowloon was completely captured.

Q. Besides these ten days under whose command were you?

A. I was under the direct command of the divisional commanding officer.

and

Q. The other day during your evidence in making your explanation with the aid of a map you referred to point D. Was this place within your route or was it within the area of your battle ground?

After looking at the map, witness replies: At that time I had already entered the battle area of the right flank force.

Q. You said that at 1600 hours on December 19 you came to this point. Are you aware that that place is called Stanley Gap?

A. During the trial I first came to know that this place round there is called Stanley Gap.

were

Q. When you reached this point D, were there any other troops that had already advanced to this point?

A. As I mentioned the other day, part of the Doi Butai had already advanced to this point. Besides the Doi Butai advance forces of various other units were already there. Among them were the observation section of the left and right artillery groups, ambulance section consisting of medical orderlies, gendarmes and part of the smoke unit, and advance forces of other units were gradually following up, and in the midst of them my unit came.

Q. Was there any reason why the various units gathered at this place?

A. As I have said previously, the plan of the division was to reach the objects at the west points of the island and therefore all the units tried their best to reach the objects on the western side of the island by the 19th. The various units were trying their best to push forward and therefore

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CROSS-EXAMINATION OF P.M. NO. 20 - MAJ.-GEN. TANAKA
RYUSEI ONO (Contd)

A. (Contd): it so happened that before my unit there were already some other units advancing. Another thing was that the cross-section of Wongneichung was the place for all the forces to meet together and therefore we came together at that place, and especially the Doi Butai was still fighting and they could not advance and so gradually all the units became concentrated round that area.

Q. When you reached that point D what was your distance from the Doi Butai?

A. The distance was about 250 metres.

Q. Which direction were they?

A. They were to my west.

President: What do you mean "to my west." There is only one west.

Witness: From my position.

President: What do you mean "by my west."

Witness: They were to the west from my position.

President: West of your position?

Witness: That's right.

Q. Was the Shoji Butai around point D?

A. They were not around Point D.

Q. Do you know Lyemun Fort?

A. Yes.

Q. In whose battle area was this place?

A. It was within my battle area.

Q. Do you know Mount Parker?

A. Yes.

Q. Then within whose battle area was this place?

A. It was the place where I attacked.

Q. Do you know Repulse Bay?

A. Yes.

Q. Within whose battle area was the place along the shores of this Repulse Bay?

A. Most of it was within my battle area.

Q. Do you know Deep Water Bay?

A. Yes.

Q. Within whose battle area was it?

A. It was within my battle area.

Q. Do you know Stanley Bay?

A. I do not.

Q. Do you know Stanley Fort?

A. Yes.

Q. Within whose battle area was the place around this Stanley Fort?

A. That was the place where the Stanley attack unit fought.

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CROSS-EXAMINATION OF I.W. NO. 20 - MAJ.-GEN. TANAKA RYUSABURO
(Contd.).

Q. Do you know Tytam Tuk?

A. Yes.

Q. Within whose battle area was this place?

A. That was the area within the Stanley attack unit.

Q. Did, on any occasion, Maj.-Gen. Ito's unit engage themselves in fighting at Tytam Tuk area and at Stanley area?

A. It is impossible for me to imagine that Maj.-Gen. Ito's unit went over to such places.

Q. Concerning the uniforms worn by the Japanese soldiers, what kind of uniforms were the Japanese soldiers wearing during the operation? I mean, were there any distinction or difference in the uniforms or were there any distinctive marks which showed the difference between artillerymen and soldiers and engineers, etc?

A. Do you mean difference between troops or individuals?

Q. I mean the individuals itself?

A. In the Japanese Army, besides the armband worn by the Gendarmerie and the Red Cross worn by the medical orderlies I don't think there are any other differences. In the Japanese Army, infantry, engineers and artillery and all other soldiers wear the same uniforms. There is not much difference. However, arms that were carried by them were different.

Q. Then for instance how were the infantry soldiers dressed?

A. What is the meaning of your question?

Q. I am asking you if, for instance, the infantry soldier wore a helmet, has a rifle, wears camouflage net, etc.

A. In the Japanese Army everybody wears a military uniform with a field cap, has his camouflage net and wears his steel helmet with camouflage net on, wears his bayonet which is fixed to his belt, wear either his shoes or his Army boots and has puttees on. Soldiers of all kinds are dressed in such. Besides the medical orderlies, soldiers of all kinds have their rifles, infantry, engineers, supply, signalmen, etc. The question is whether more rifles are distributed among the fixed number or less number of rifles are distributed among a fixed number. Therefore one cannot assume a soldier is an infantryman because he had a rifle with him because every branch of the Japanese Army have rifles.

Q. Then do you mean to say one cannot distinguish whether a Japanese soldier is in the supply corps, or whether he is an infantryman or artilleryman or engineer, is that right?

A. One cannot tell at a glance to which branch of the Army does a Japanese soldier belong.

Defence Counsel: I conclude my cross-examination, sir.

RE-EXAMINATION BY THE PROSECUTION.

Q. Was there any artillery with the infantry regiments?

A. Yes.

Q. Can you give us the composition of an infantry regiment?

A. Regimental HQ, three infantry battalions, Nos. 1, 2 and 3.

Q. Will you give us the rank of the regimental commander?

A. Colonel.

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RE-EXAMINATION OF P.R. NO. 20 - MAJ.-GEN. THOMAS WELLS (Contd)

Q. And a battalion commander?

A. It should be major, but sometimes captain takes command and sometimes lieutenant-colonel.

Q. Go on.

A. Infantry gun and signal company.

Q. We have a regimental commander, one colonel, three battalion commanders, three majors, a lieutenant-colonel or captain, one infantry gun what?

A. Infantry gun unit corps. Not exactly a company and not exactly a platoon. Something like a company.

Q. Go on.

A. Signal company.

Q. And a battalion was split up into what?

A. Battalion HQ, four infantry companies, one machine-gun company.

Q. Companies into what?

A. An infantry company consists of three platoons.

Q. Platoons in what?

A. A platoon consists of three to four sections.

Q. What is the total strength of an infantry regiment?

A. In my Division, the 38th, in my regiment there were about 3,000 including in my regiment.

Q. And each battalion?

A. About 850 were included in each battalion.

Q. What was the calibre of the gun that was carried with the infantry regiment?

A. The larger one, the mountain artillery, was 75 millimetres and the quick firing guns, the smaller ones, were 37 millimetres. The battalions had guns too. The calibre was about 68 millimetres. Such were the guns.

Q. How many 75 millimetre guns did you have with you?

A. Sometimes, two, sometimes three.

Q. What was the maximum range of the 75 millimetre gun?

A. I think it could do 6,400 metres.

Q. And the range of the other smaller guns?

A. The quick firing ones I think they could do about 5,000 metres, and the battalion guns could do about 3,500 metres.

Q. How many quick firing guns were there in an infantry regiment?

A. Two.

Q. And battalion guns in the battalion?

A. Two. Sometimes, depending on the number of soldiers, there is only one.

Q. What was the role of the infantry gun?

A. Assault on machine-gun positions and to penetrate look holes or machine-gun holes of pill-boxes.

Q. And also in support of the infantry of that particular regiment, is that correct?

A. Yes. Usually they are allotted to the battalions when used.

Q. In close support of the infantry, is that correct?

A. Yes.

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RE-EXAMINATION OF P.W. NO. 20 - MAJ.-GEN. TANAKA RYUSABURO (Contd)

Q. Did your Butai take any prisoners?

A. Yes, we did.

Q. Where were they taken to?

A. We sent the prisoners to the place of concentration of the Division at the east side of Wongneichong.

Q. That is not North Point, is it?

A. No, I did not send them to North Point.

Q. How far east of Wongneichong was this?

A. I did not go but I think it would be about 600 metres away from the cross section of the road at Wongneichong.

Q. To the east of the cross-section?

A. That's right, about 600 metres direct distance.

Q. You mentioned the duty of the accused Ito during certain periods. What rank did he hold during those periods?

A. Major-general.

Q. When Ito made this speech who was present?

A. I do not know, sir.

Q. What did he mean "Let us have no mistakes?"

A. Let us do it well, to do our best and not to disgrace the reputation of the Japanese Army.

Q. Did he mean "Let us have no ill-treatment of the enemy that fell into our hands." Is that what he meant?

A. I heard about it from Maj.-Gen. Shoji and I think it was included in the meaning.

Q. Was Maj.-Gen. Shoji present when Ito made this speech?

A. At that time Maj.-Gen. Shoji was under the command of Ito and during that trial, Maj.-Gen. Shoji told me so.

Q. Which trial?

A. At the trial of Maj.-Gen. Shoji.

Q. Did Ito say to you in conversation that it was a good idea if all the force met at Wongneichong Gap after the attack had started on Hongkong Island?

A. During the course of conversation I remember he said that.

Q. When did he say that?

A. Just before we went to receive our orders at the Divisional HQ on the 17th.

Q. Who else was present when this conversation was held?

A. We were in a big room like this and there were lots of officers who were commanders of various units and we were chatting to each other.

Q. Were Colonels Shoji and Doi present?

A. Yes, they were.

Prosecutor: No further questions, sir.

QUESTIONS BY THE COURT.

Q. You referred to Maj.-Gen. Shoji. What was his rank at the time of the operation on Hongkong?

A. He was a Colonel.

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QUESTIONS BY THE COURT OF PW. NO. 20 - MAJ-GEN. TANAKA RYUJIRO
(Cont'd)

- Q. What was the rank of Doi?
A. Colonel.
- Q. You said that Col. Shoji was under the command of General Ito. Was Col. Doi also under his command?
A. He was also under the command of Maj.-Gen. Ito.
- Q. Who was in command of the Stanley force?
A. I think probably Major Egashira, the battalion commander, was in command.
- Q. By what route did the Stanley force go to Stanley?
A. I cannot tell for certain but probably they took the road from Shaukivan to the east side of Tytam Tuk reservoir.
- Q. Do you know where they started from?
A. I think they started from North Point where they landed but I am not sure of it.
- Q. Did they come over as a separate force?
A. Yes, they were the reserve force of the Division.
- Q. Were they engaged in any other operation apart from the Tytam Tuk on the way to Stanley?
A. I am not sure about that.
- Q. To whom was the commander of the Stanley force responsible?
A. The Divisional Commander.
- Q. Direct?
A. Yes.
- Q. Was the Divisional Commander, General Sano, on Hongkong Island during these operations?
A. Yes, he landed on Hongkong Island.
- Q. Where was he situated during these operations?
A. I think he was at the place just to the south of North Point.
- Q. That was his Headquarters?
A. That's right.
- Q. Do you know the Happy Valley area?
A. No.

President: Show the map to the witness.

- Q. Can you pick out the Happy Valley area from the map?
A. I think this is the place (Witness indicates area on map).
- Q. South of the Race Course is the valley, you see.
A. Yes.
- Q. You understand that?
A. I can see that from the map.
- Q. Can you tell me whether Col. Shoji's force operated in that area?
A. I do not think they entered this valley.
- Q. Did any of the right flank force operate in that area?
A. Shoji's regiment was the right regiment of the right flank and since his regiment did not go into this area I do not think the right flank force entered this area. I also know that Maj.-Gen. Ito did not have his reserve force. Therefore he did

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QUESTIONS BY THE COURT OF P.M. NO. 20 - MAJ.-GEN. TANAKA
ALCOBARRA (Contd.).

A (Contd): not have any unit to strike on the right.

Q. I understood you to say there were two forces which invaded ~~the~~ Hongkong, the right flank force and the left flank force. Is that correct?

A. Yes, those were the two troops that landed.

Q. Do you know then, what force did operate in the Happy Valley area?

A. I do not know.

Q. Could it be the left flank force?

A. No, it is impossible.

Q. The left flank force was under your command?

A. Yes.

Q. And you did not operate in that area?

A. I never did.

Q. Then if any force operated in that area would it be the right flank force?

A. As I have said previously, after we landed on the Island Col. Shoji's Regiment did not enter the town, so the Divisional Commander sent other units along the seaside to enter the town.

Q. What other units are you referring to?

A. As far as I know I was told that the strait crossing unit entered the town. The Divisional Commander also said that Gendarmes also went into the town. My explanation might not be legible enough. Does the Court understand my explanation?

President: Yes. Has Defence Counsel any point to raise in connection with these questions?

Defence Counsel: No, sir.

President: Prosecutor?

Prosecutor: Yes, sir, just one. May I ask through the Court what sort of armbands did the Kempei units wear?

Witness: One armband about so wide, 15 centimetres, the red letter "Keng" was written.

Prosecutor: On a white background, is that correct?

Witness: Red letter "Keng" on white cloth.

President: Witness may stand down.

President: Have you any more witness to bring?

Prosecutor: I submitted a statement by Capt Banfill. I understand this witness has now come to Hongkong. I think, in that respect, it is only reasonable I should call him and subject him to examination and to cross-examination by my friend. After that there is just myself, and a formal witness, Capt. Watson, to be recalled, and an interpreter as a formal witness.

President: There are still some statements which have been taken into Court as exhibits which have not been read.

Prosecutor: To be read, sir.

President: Will you call these witnesses to-morrow?

Prosecutor: Yes.

President: The Court will adjourn until 10 o'clock to-morrow morning.

ADJOURNMENT

At 1625 hours the Court adjourned until 1000 hours on Tuesday, January 27, 1948.

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At-Gen. Service.

Trial of:

Lieut-Gen. F. C. Allen.

2nd Day.

Tuesday, January 27, 1949.

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NO. 7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
TUESDAY, January 27, 1948.

8th Day's Proceedings in the Trial of:
Lt-Gen. ITO TAKEO, of the Imperial
Japanese Army.

At 1010 hours on Tuesday, January 27, 1948, the Court
re-assembles pursuant to adjournment. Present: The same
members as at adjournment on Monday, January 26, 1948.

President: Before we start, Major Ormsby, we have not
corrected those three-figure map references yet.

Prosecutor: That's right, Sir. The present reporterm
has an explanation to that, Sir. Apparently the two
three-figure references given are actually one six-figure
reference.

President: That is in the last paragraph on page 92?
Prosecutor: The first reference should be 624 984.

President: Does the Defence Counsel agree to that?
Defence Counsel: Yes, Sir.

Prosecutor: And the next one should be 631 987.

President: Does Defence agree?
Defence Counsel: Yes, Sir.

President: You have not corrected that under 624 984,
which at present reads 984.

Prosecutor: Where it says, "left this position (6399)
at 2130 hours and reached here, it should be 624 984, at 2200
hours.

President: What about the first one, the one above that
where it says 624. What should that be?

Prosecutor: It should not be there at all, Sir.

President: Defence agree?
Defence Counsel: Yes, Sir.

President: Will you strike out M.R. 624 in the fourth
line of the last answer on page 92, and insert 624 in front of
984 on the next line. And the next line after that 631....

Prosecutor: The reference 631 should be crossed out and
inserted in front of 987 in the same line.

President: Defence agree?
Defence Counsel: Yes, Sir.

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ALTERATIONS TO SCRIPT (cont.):

President: Next line, strike out M.R. 631 and insert before 987 in the same line the figures 631. I think that deals with all the three-figure map references.

Prosecutor: Yes, Sir.

President: Will you carry on, Major Ormsby?

Prosecutor: I would now like to read the affidavit of N.J. Leath, Exhibit "X".

Prosecutor reads affidavit of N.J. Leath (Exh. "X").

Prosecutor: I will now read the statement of Mary Suffiad, Exh. "Y".

President: You haven't copies of Exhibit "Y"?

Prosecutor: Not at the moment, Sir.

President: You are producing copies later on?

Prosecutor: Yes, Sir.

Prosecutor reads statement of Mary Suffiad, (Exh. "Y")

President: You wish to withdraw Exhibit "W", the affidavit of Stanley Banfill?

Prosecutor: That's right, Sir, I was coming to that. I do not wish to call this witness and in that case I wish to withdraw the statement, Sir.

President: You don't wish to call him and you wish to withdraw his statement?

Prosecutor: That's right, Sir. My friend is at liberty to call him. He is here.

President: Does Defence Counsel wish this witness to be called?

Defence Counsel: No, Sir, I don't wish to call the witness.

President (to Interpreter): Have you explained the situation to him?

Interpreter: Yes, Sir.

President: The witness' affidavit has been taken into Court, he is here now, the Prosecutor wishes to withdraw the affidavit and not call the witness. Does Defence Counsel understand that?

Defence Counsel: I do not wish to call the witness, Sir.

President: Exhibit "W", affidavit of Stanley M. Banfill will be withdrawn in the evidence.

Prosecutor: May I recall Capt. Watson, Sir.

P.W. NO. 2 - CAPT. C.E. WATSON (Recalled).

President reminds the witness that he is still bound by

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QUESTIONS BY PROSECUTOR THROUGH THE COURT OF P.W. NO. 2 - CAPT.
C.E. WATSON (Recalled):

his former oath.

Prosecutor: May I proceed to question the witness through the Court, Sir?

President: Yes.

Q. (Shown document): What is this document?

A. The document I hold in my hand is a certified true copy of a statement made by Shoji Toshishige during the course of investigation of Japanese in Stanley Fort on November 8 last year.

Q. Who was this man Shoji Toshishige?

A. Shoji Toshishige was the commander-in-chief of the 230th Butai of the 38th Infantry Regiment.

Q. 38th Infantry Regiment, is that correct?

A. 38th Infantry unit of the 38th Division.

Q. Before you took that statement, did you say anything to this man Shoji?

A. Before taking the statement from Shoji Toshishige, I warned him and said, "Do you wish to make any statement or give any evidence on oath. You are not obliged to do so, but anything you say will be written down and possibly used as evidence."

Q. And then what happened?

A. Shoji Toshishige then expressed his willingness to make a voluntary statement. This statement was then made in Japanese, interpreted to me by interpreter Rigod, taken away from the Gaol, typed out, brought back again to the Gaol, translated back to Shoji Toshishige and then he put his signature to it.

Q. Did you see him sign the statement?

A. I saw him sign the statement.

Q. (Shown another document). What is this document?

A. The document I now hold in my hand is a certified true copy of a statement made by Shoji Toshishige at Stanley Gaol during the course of interrogation of November 25 last year.

Q. Did you issue the same warning that you had done on the previous occasion?

A. I issued the same warning to Shoji Toshishige on this occasion as I had done on the former one.

Q. Did you threaten him or hold out any promise to him, that is on both occasions?

A. No promise was made or any threat made or offered to Shoji Toshishige on either occasion.

Q. (Shown map). What is this map, Capt. Watson?

A. This is a certified true copy of a map which was made by Shoji Toshishige about the same time that his statements were taken. The blue marks on this map were made by Shoji Toshishige himself.

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QUESTIONS BY PROSECUTOR THROUGH THE COURT OF P.W. NO. 2 - CAPT.
C.E. WATSON (Recalled)(Cont.):

Q. And the red lettering...

A. The red lettering was also added by Shoji Toshishige. The blue numbers were added by myself for further explanation of the map.

Q. Did you see Shoji actually make those marks on the map?

A. Prior to the statements being made, Shoji Toshishige requested that a map be sent to him at the Gaol so that he could then mark the route which he took. When I called at the Gaol about a week later this map was produced by Shoji Toshishige and placed on the table and from this reference was made and the statement was made. Prior to taking the map from the Gaol Shoji Toshishige signed it in my presence.

Q. Would you now read those two statements and after that will you hand them into Court for production along with that map?

Witness reads statements made by Shoji Toshishige.

Prosecutor: With that, sir, I produce these two statements and the map to the Court.

Unsworn statement by Shoji Toshishige taken into Court, marked Exhibit "CC" and signed by the President.

Sworn statement by Shoji Toshishige taken into Court, marked Exhibit "DD," and signed by the President.

Map of Hongkong and New Territories, Sheet 19, 3rd Edition, referred to in the statement of Shoji Toshishige taken into Court, marked Exhibit "EE," and signed by the President.

The Prosecutor continues his examination of the witness.

Q. In that second statement of Shoji's which has been produced to the Court, Exhibit "DD," there are references to another statement. He talks about paragraphs of another statement. Do you know what that statement is?

A. ~~Originally~~ Originally that map was made out by General Shoji who also made a statement which was made in Japanese and written in pencil and this was marked off paragraph by paragraph. When a further statement was taken from him in English he used it as a reference. He called it his sworn statement but it was never actually produced or exhibited in Court.

Q. What is this document?

A. The document I now hold in my hand is a statement made by Ito Takeo. It is a certified true copy of that statement.

Q. Who is this man Ito Takeo?

A. Ito Takeo is the accused who now sits in the dock before the Court.

Q. Will you tell us the circumstances in which that statement was made?

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QUESTIONS BY PROSECUTOR THROUGH THE COURT OF P.W. NO. 2 -
(CAPT. E.C. WATSON) (Recalled) (Contd).

A. On 23rd July, 1947, in the course of investigations in the present case, I called at Stanley Gaol and interviewed the accused. I administered the usual caution and told him he could make a statement if he wished. Any statement he did make would be taken down and may be used in evidence in Court. He then volunteered to make a statement. The statement was made in Japanese, interpreted to me and taken down in English, translated back to the accused and then signed by him in my presence.

Q. Did you sign the statement as well in Ito's presence?

A. After the statement was signed by the accused and by the interpreter, I also signed in the presence of the accused.

Q. Did you threaten or ~~make~~ hold out any promises to the accused before you asked him to make that statement?

A. Neither promises nor threats were held out to the accused either before or after the statement was signed.

Q. What is this map?

A. This is a copy of a map marked by the accused during his detention in Stanley Gaol.

Q. What is that written in the centre of the map in Japanese characters?

A. The writing in the centre of the map is also made by the accused referring to various marks, A, B, C, made on this map. Translation of this writing was made and signed by Honorary Lieut. Matsuda.

Q. Did the accused Ito sign that map in your presence?

A. The original map was signed by the accused in my presence.

Q. Does he refer to that map in the statement which you have just talked about?

A. Reference is made to this map in the statement which I now hold in my hand.

Prosecutor: Would you now read that statement?

President: Will you hand the map up while you are reading?

The witness reads the statement of Ito Takeo.

Sworn statement by the accused Ito Takeo, dated 23rd July, 1947, taken into Court, marked Exhibit "FF," signed by the President.

Map of Hongkong and the New Territories, sheet 19, 3rd edition, referred to in the sworn statement of Ito Takeo, taken into Court, signed by the President, and marked Exhibit "GG."

Prosecutor: I have no copies at the moment of that particular statement or of the map. I will produce them at a later stage. About the maps that have been put into the records, do you require copies of those maps, sir?

President: I am afraid we do.

Prosecutor: I will endeavour to get them. It is very

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QUESTIONS BY PROSECUTOR THROUGH THE COURT OF P.W. NO. 2 -
CAPT. E.C. WATSON (Recalled, Cond)

Prosecutor (Contd): difficult to get hold of copies.

President: We should at least have four copies of each.

Prosecutor: I have no further questions of this witness.

Cross-examination declined.

President: Witness can stand down.

Prosecutor: To complete the case for the Prosecution I should like to produce two statements to the Court which are not before the Court yet, those of Brother Hogan and Philip Cheung. I had intended to call these two witnesses into Court but I understand they are not in the Colony.

President: Are you proposing to put these statements in yourself?

Prosecutor: Yes. This evidence is in reference to the events at the Maryknoll Mission.

P.W. NO. 22 - MAJ. M.I. ORMSBY

The Witness is sworn.

Witness: My name is Murray I. Ormsby, Major, aged 28, Prosecutor, No. 7 War Crimes Court, address, MacDonnell Road, Hongkong. I wish to produce summary of examination of Brother Michael Hogan. I propose to read this statement now.

Statement of Michael Hogan is read to the Court.

Prosecutor: I have only two copies available at the moment, sir.

President: You will be producing other copies?

Prosecutor: Yes.

Sworn statement of Brother Michael Hogan, dated 13th March, 1946, taken into Court, marked Exhibit "HH," signed by the President.

Prosecutor: I now wish to produce the summary of examination of Philip Cheung.

Statement of Philip Cheung is read to the Court.

Sworn statement of Philip Cheung, dated 13th March, 1946, taken into Court, marked Exhibit "II," signed by the President.

Cross-examination declined.

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Prosecutor: Subject to the translation of the Japanese characters into English on the map, Exhibit "GG," of the accused Ito, that closes the case for the prosecution.

President: What arrangements have been made?

Prosecutor: Could the Court interpreter do it now, sir? It could be translated on the spot.

Interpreter: "It is difficult to assure accuracy. (a) reached after dawn of the 19th (about 7 a.m.) around this place. There was a damaged house. Left before noon on the 20th. (b) After the completion of bivouac on the afternoon of 20th dusk came. No houses around. Between A 434 and B we were fired by artillery. The course of advance unknown. Left before dusk on 25th. (c) On the way to inspection of 1st line of the Shoji unit on the 25th at about 5 p.m. fighting ceased. Went to the Divisional HQ at about 5 a.m. on 26th after taking rest upon redistribution of the 1st line troops after the cessation of the fighting."

Interpreter: This arrow point here says: "The position of landing, about 2 a.m. 19th."

President: You have interpreted all the Japanese writing on this map?

Interpreter: Yes.

President: Mr Kunihiro, would you be ready to open the case for the defence this afternoon at 2.15?

Defence Counsel: Yes.

President: The Court will adjourn until 2.15 this afternoon.

ADJOURNMENT

At 1210 hours the Court adjourned to 1415 hours.

RESUMPTION

At 1425 hours the Court re-assembled pursuant to adjournment, the same members as at adjournment being present.

President: Will the Defence Counsel proceed with his defence.

Defence Counsel: At this stage, before I proceed with my case for the defence, I wish to make a submission on behalf of the Accused that there is no case to answer. I will now ask my Advisory Officer to read my statement to the Court.

The Advisory Officer reads the statement.

The statement of submission of "no case" by Defence Counsel taken to Court, signed by the President and marked Exhibit "JJ".

President: Has the Prosecutor any reply to make to the submission?

Prosecutor: I have a reply to make, Sir, and I respectfully ask the Court for an adjournment whilst I marshal the facts.

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President: How long do you like the Court to adjourn?

Prosecutor: I have no idea at the moment, Sir. I'll let the Court know through the Court Orderly if that is sufficient.

President: The Court will adjourn to allow the Prosecutor to compose his reply to the submission of the defence.

ADJOURNMENT

The Court adjourned at 1435 hours.

RESUMPTION

The Court re-assembled at 1500 hours, the same members as at adjournment being present.

President: Major Ormsby, will you reply to the Defence?

Prosecutor: In reply to my learned friend, it has not been contested that the atrocities were in fact committed in areas that you have heard about before the Court. The issue is whether these troops were under the command of the Accused or not. In this respect, gentlemen, there are certain discrepancies between the evidence contained in the statement of the Accused and that of Tanaka. It is quite clear from that statement, which was entirely voluntary, that the Accused was in command of this unit which was known as the 38th Infantry Unit. He tells us in that statement that there were three regiments in the unit. He also tells us that these regiments were commanded by Tanaka, Shoji and Doi respectively. Now then, if you believe that evidence, gentlemen, we should consider at this juncture the movements of these three Butais because you are entitled to believe that these three Butai commanders were under the Accused. In that respect I would like to proceed with the movements of the Tanaka Butai which are before the Court. You have heard the detailed movements from Tanaka's own evidence. He tells us that his troops were the first--and I stress that, gentlemen--to land and attack the Shaukiwan-Sai Wan-Lyemun area and that they were the first to attack Repulse Bay and the Brick Hill area. You have heard witnesses in this Court describe to you how that gentleman, Tanaka, the same man who appeared in this Court, addressed the occupants of the Repulse Bay Hotel on December 23, 1941, and it was during these three days just prior to that day that the atrocities alleged occurred.

With regard to Shoji, Tanaka himself agreed that he was subordinate to Accused, and I think we should consider his movements here. Shoji's main position was centred in the Wongneichung Gap area on December 19, and in fact he tells us in his statement that he sent a party to subdue the resistance at Jardine's Lookout. Gentlemen, you remember it was from this position that the witnesses appeared in this Court and told you of atrocities in the Stanley Gap area. It was from this very position that they had retreated. If you study the map in connection with Shoji's statement, you will notice that, according to the marked route, these troops of his passed very close, if not through, the Wongneichung Valley, and this area includes the Jockey Club and the north end of Blue Pool Road. If you remember, when we visited this position on the ground, the Witness, Col. Ride, showed us the place which he says was

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PROSECUTOR'S REPLY TO DEFENCE SUBMISSION (Contd)

an advanced [redacted] dressing station and which is now the Wongneichung Police Station. That place stands on Blue Pool Road. It is actually the southern end of Blue Pool Road where it emerges into Repulse Bay Road. That [redacted] spot was only 100 yards from where Shoji held a rendezvous on the 19th and where Shoji met most of his resistance.

With regard to the Stanley and Tytam areas, the Accused himself tells us it was the 230th Shoji Butai which went there, and I do not consider at this juncture it is important to know whether the divisional commander sent him there or not. At this juncture, according to the Accused, they were still under his command.

The Prosecution admits there is very little evidence to denote that the troops were in fact infantry, but the most important part of the evidence of the Prosecution witnesses is that the troops who committed the atrocities were the first in the area. I ask you to consider what role an ambulance or smoke unit would have in attacking fortified positions.

The most serious [redacted] discrepancies lie between my own Prosecution witnesses and the worthy compatriot of the Accused, Tanaka. Far be it at this stage for me to discredit one of my own witnesses, but I do feel that the only person who could clarify any discrepancies is the Accused himself.

I ask you, gentlemen, at this juncture whether there is evidence at all to support the charges. I do not [redacted] consider you should weigh the credibility of any witness at this stage, and if you hear no more evidence from the Prosecution witnesses you would be bound to acquit the Accused.

With that, gentlemen, I close my submission.

President: Would the Defence Counsel like that submission translated to him?

Defence Counsel: I wish to know a rough idea of the submission by my friend.

President: Yes, you are entitled to hear what has been said.

Prosecutor: I can give that information to the Interpreter who will interpret it to him.

President: Yes. In the meantime, the Court will adjourn to consider the submission by the defence.

ADJOURNMENT

The Court adjourned at 1510 hours.

RESUMPTION.

At 1530 hours the Court re-assembled. Present: The same members as at adjournment.

President: The Court has carefully considered the submission of 'no case' by Defence Counsel and the reply by the Prosecutor, and has decided that the trial will proceed. I presume the Defence Counsel has advised the accused as to procedure in the carrying out of his defence.

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DEFENCE CASE COMMENCES:

Defence Counsel: Yes, Sir.

President: Accused will stand up. Do you wish to give evidence on oath?

Accused Ito Takeo: Yes, Sir.

President: Do you intend to call any witnesses in your defence?

Accused Ito Takeo: Yes, Sir.

President: Are they witnesses as to fact or as to character?

Accused Ito Takeo: They are witnesses as to fact and also as to character.

President: Does Defence Counsel propose to make an opening address?

Defence Counsel: No, Sir.

President: Will you call your first witness?

Defence Counsel: I wish to start with the accused in the witness box.

D.W. NO.1 - LT.-GEN. ITO TAKEO (Accused).

Accused Ito Takeo is affirmed.

EXAMINATION BY DEFENCE COUNSEL:

Defence Counsel: Will you state your name, age, rank and nationality?

Accused Ito Takeo: Ito Takeo, 59, Army Lieutenant-General, Japanese.

Q. Where were you during December, 1941?

A. I joined the operation of Hongkong.

Q. And where were you at this time?

A. I was in Hongkong.

Q. What was your duty during the operation on Hongkong Island?

A. I was commanding the right flank force.

Q. To what duties were you assigned before the operation on Hongkong?

A. I was commanding officer of the garrison stationed at Chungshan district, Kwangtung province.

Q. What was your original appointment?

A. I was officer commanding the 38th Infantry group of the 38th division.

Q. What was your rank at that time?

A. Major-General.

Q. When were you appointed the commanding officer of the 38th Infantry group?

A. I took up the post on September 1, 1941.

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EXAMINATION OF D.W. NO. 1 - LT-GEN. ITO TAKEO (Accused)(cont.):

Q. To which division did the 38th Infantry group belong?
A. It belonged to the 38th division.

Q. Where was the 38th division stationed at, and what was its duty?

A. It was stationed at the Fatshan district, Kwangtung province and was detailed to garrison the west side and the south-west portion of the Kwangtung province.

Q. At that time to what duties were you assigned and at which place?

A. With one infantry battalion I was appointed the commanding officer to garrison and was stationed at a place called Shekki in Chungshan district, Kwangtung province.

Q. At that time who was commanding the various infantry regiments?

A. The divisional commander himself directed them and the various regiments were garrisoned at various places where they were ordered to be stationed.

Q. State the original organisation of the 38th division?

A. HQ of the 38th division, 38th Infantry group, 38th mountain artillery regiment, 38th engineer regiment, 38th supply regiment, divisional medical corps and No.1 and No.2 field hospital of the division. That's all.

Q. Will you state the organisation of the 38th Infantry group?

A. Infantry group HQ and it consisted of the 228th, 229th and the 230th regiments.

Q. How was the organisation of the infantry regiment HQ?

A. Two adjutants and I think around that time there were about 150 officers and other ranks.

Q. State the duties and authorities of the divisional commander?

A. The divisional commander should maintain the military discipline and morale of his division and is to be responsible for the education and training of his subordinates and according to regulation should manage and perform matters in connection with personnel affairs, matters concerning arms and ammunition and matters concerning guarding. His authorities are to issue orders to his subordinate units and to carry out inspections from time to time when necessary.

Q. State the duties and the authorities of the Infantry group commanders?

A. The authority of an infantry group commander is to direct and supervise the training and education of his subordinate units. He does not have the authority to issue orders to his subordinate units or carry out inspections, but he may at his wishes accompany or be present at inspections carried out by the divisional commander or regimental commander.

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EXAMINATION OF D.W. NO.1 - LT-GEN. ITO TAKEO (Accused)(cont.):

Q. State the duties and authorities of a regimental commander?

A. A regimental commander should maintain the military discipline and morale of his subordinates and is responsible in respect of training and education of his subordinates and according to regulation, should look after affairs concerning personnel affairs, internal affairs, medical affairs and matters concerning hygiene, matters concerning arms and ammunition and also intence affairs. His authorities are to issue orders to his subordinates and to carry out minor inspections.

Q. You have stated just now that infantry group commanders did not have authority to issue orders to his subordinates. Will you make explanations to that?

A. In other words, not exactly he did not have authority to issue orders, but it was not his duty to issue orders.

Q. Then, does it mean that under all circumstances the infantry group commanders did not have authority to issue orders?

A. Supposing I was ordered by the divisional commander to command a certain amount of units and an operational order is issued to me, on such occasions, during operation I have authority to command units under my command.

Q. You mentioned of units being allotted under your command just now. What does it actually mean?

A. It is a temporary organisation to meet the necessity during an operation.

Q. You also said temporary, what do you exactly mean by that word?

A. It is the period required during the operation, it might be two or three days, or it might be as long as half a year or a year.

Q. What is the relation between the ordinary organisation in the Japanese Army and this kind of an organisation?

A. The normal ordinary organisation in the Japanese Army is made to suit the convenience of educating the soldiers and the organisation is not done suitable to the actual operations, therefore before engaging in operations re-organisation is made. Such is called the military organisation.

Q. What is the basis of the military education?

A. The military education is based on the Army education order.

Q. What are the duties of the commanding officers in respect of education to troops?

A. The Army commanding officers should give necessary instructions in respect of education of troops and should supervise them. A divisional commander commands and supervises his subordinates in respect of education by indicating the principles and points specially to be emphasised. He also carries out education of his subordinates by himself and also trains them. An infantry group commander directs and supervises

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EXAMINATION OF D.W. NO.1 - LT-GEN. ITO TAKEO (Accused)(cont.):

A(cont.): his subordinate units. A regimental commander makes schedules and makes plans in respect of education of his troops and directs and supervises them. He also by himself carries out training of his subordinates.

Q. State the differences between the duties of an infantry group commander and other commanders in respect of military education?

A. The infantry group commander does not have with him the right of voicing his opinion and he does not perform or carry out the education by himself.

Q. In that case what is the duty of an infantry group commander in respect of military education?

A. He has to plan in standardising improvement of his subordinate units.

Q. In case when an infantry group commander discovers defects in the training of his subordinate regiment, what does he do?

A. He would advise the regimental commander and report important matters to the divisional commander.

Q. Could an infantry group commander correct the defects by himself?

A. It is the proper procedure to report first to the divisional commander.

Q. Why was he unable to correct the defects directly?

Prosecutor: The witness did not say he was ^{was} able to, Sir?

Q. Could he not correct the defects by himself directly?

A. It would be against the distribution of authority of the various officers in charge, and therefore he would not make the correction of defects by himself.

Defence Counsel: Sir, I have quite some time to go on this line. Shall I stop now ^{and} continue to-morrow?

President: We will adjourn now until to-morrow.

President: The Court will adjourn until 10 o'clock to-morrow morning.

ADJOURNMENT.

At 1620 hours the Court adjourned until 1000 hours on Wednesday, January 28, 1948.

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NO. 7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
WEDNESDAY, January 28, 1948.

9TH DAY'S Proceedings in the Trial of:
Lt-Gen. ITO TAKEO, of the Imperial
Japanese Army.

At 1005 hours on Wednesday, January 28, 1948, the Court
re-assembles pursuant to adjournment. Present: The same
members as at adjournment on Tuesday, January 27, 1948.

Prosecutor: Before we begin, Sir, might I point out
one slight mistake in the transcript. Page 147, about three-
quarters of the way down the page, sentence starts off like
this: "You have heard witnesses in this Court describe to you
how that gentleman, Tanaka,...." I think the word "Gentlemen"
should come first in the sentence, Sir.

President: You wish the word "Gentlemen" put before
"You?"

Prosecutor: Yes, Sir.

President: We will make that alteration

President: Will you carry on your examination-in-chief
of the accused?

D.M.NO.1 - LT.GEN. ITO TAKEO (Accused).

President reminds Accused Ito Takeo that he is still
bound by his original affirmation.

EXAMINATION BY COUNSEL (cont.):

Defence Counsel: After you took the post of commander
of the infantry group how did you carry out your duties of
supervision of the regiments under your command?

Accused Ito Takeo: From the time I took over the post of
the infantry group commander, all of the regiments were sta-
tioned at various districts on garrison duty under the
direct command of the divisional commander and as such there
was no relation whatsoever between me and the various regiment
commanders, even concerning matters of education there was
no space left for me to have a say. When the operational
organisation was made, the relations which existed amongst
the various units under the original formation were temporarily
postponed, for me there was no more ground left even on matters
concerning education or training of subordinates to supervise.

Q. Did you take any steps in that situation?

A. I expressed my opinion to the divisional commander that
I wanted to have the organisation re-shuffled back to the
original organisation so that the infantry group commander
can fulfil his only duty of supervision and direction of
education and training of the units under him.

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EXAMINATION OF D.W.NO.1 - LT.-GEN. ITO TAKEO (Accused)(cont.):

Q. What was the result of your application?

A. The divisional commander said that the operational organisation was made so as to meet the need of the operation. In the theatre of war, operation was of the first importance and education and training was of minor importance. Under the operational organisation the infantry group commander commanded the three regiments under him. The divisional commander, however, also would directly supervise the education and training of these regiments.

Q. State the line of command of the division?

A. The divisional commander passes directly his orders to the regimental commanders, not only orders but various requests.

Q. How was the line of command within the infantry regiment?

A. The divisional commander issues directly his orders to the regimental commanders.

Q. In that case what would the position of the infantry group commanders be?

A. The basic line of command in the Japanese Army was from the divisional commander directly to the regimental commanders, the infantry group commander being only an intermediary between the two was not formally recognised.

Q. What was the relation between the divisional commander and the regimental commander other than the channel of the formal line of command?

A. All activities of the Army are done according only to orders, so all activities are based on the relations that arose from the orders of the divisional commander to the regimental commander.

Q. Can you cite any concrete instances of that?

A. Most of the activities of the Army in normal times are confined to education and training. The divisional commander would show his basic principles and intentions of training and education to his regimental commanders. The regimental commanders make schedules of training according to the orders issued by the divisional commander and put such schemes into practice. Other activities are all dependent on the line of education and training. These are also based on orders issued to the regimental commanders.

Q. What is the position of the infantry group commanders to the divisional orders issued to the regimental commanders, how would his opinion be waited?

A. In the Japanese Army the whole division is to conduct its activities only according to the orders issued by the divisional commander and nothing else is allowed. Therefore any view of a third person is not recognised.

Q. Then, what was the reason providing such a post as infantry group commander?

A. It was out of sheer necessity of operation. During the operation the divisional commander would place the infantry group commander in the most urgent part of the operation. In case when the divisional forces are divided into two parts in an operation, one part would be placed in the hands of the infantry group commander.

Q. What was the value or worth of the existence of the infantry group commander's post during the time other than wartime?

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EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Accused) (cont.):

A. In case when the divisional commander would be absent for a while from his office, the infantry group commander would be acting on his behalf.

Q. Until when were you on the post of infantry group commander?

A. Until 1944 when the post of the infantry group commander was abolished.

Q. What was the reason for the abolition of this post?

A. I think it was for two reasons, firstly it was learned from experiences gained out of actual fighting on the battle ground that the post of infantry group commander was worthless; and secondly it was found out that there were many other posts to which officers of major-general rank could be transferred.

Q. What was your duty during the operation of Hongkong. I wish to make it clear that I am not referring to the Hongkong Island operation?

A. Changes were frequently made by the divisional orders.

Q. How were such changes made?

A. The first occasion was when the Sino-British border was crossed by the Japanese Army. The period was from December 8 until the 9th, the duty of the infantry group commander was to be the officer commanding the first despatch of the division. The constituent units under the infantry group commander were infantry 229th regiment and the 230th regiment and other units. The second change was made when an attack was made on the enemy's positions at Kowloon. The duty was to be on the left flank. The period was from December 10 to 16, the units commanded were the infantry 229th regiment and other units. The third period was during the operation of the Hongkong Island. The duty was to be on the right flank. The period was from December 17 until the 25th. The strength commanded was the infantry 228th regiment, the infantry 230th regiment and other units.

Q. Will you explain fully the relations between your duty as the right flank commander during the Hongkong Island operation and your duty as the infantry group commander of the original organisation?

A. Under the original formation of the Army, the units commanded were the 228th, 229th and the 230th regiment under the infantry group commander and I was that commander. According to the operational need, distribution was made into left flank and right flank. The original organisation was temporarily disbanded and a new operational organisation was formed. After the operational organisation was newly formed I would no longer be the commander of the infantry group, but the commander of the right flank force. The orders issued by me would be initialled not infantry group orders, but right flank orders. My signature of such orders would bear the title not infantry group commander, but commander of the right flank force.

Q. During such times, what would be the authority of the infantry group commander?

A. The duty or responsibility or the title of the infantry group commander would be temporarily postponed, during the time I would be placed on the right flank commander's force. When the duty as the right flank commander was completed then I would be placed back again into the original infantry group commander.

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EXAMINATION OF D.M. NO. 1 - LT.-GEN. ITO TAKEO (Accused)(cont.):

Q. Next, concerning the Hongkong Island operation, I wish to ask you when, at which place and who issued the order of the attack on Hongkong Island?

A. The divisional order which was based on the Army order was issued by the divisional commander in Kowloon on the 17th.

Q. Was there any order issued concerning POWs?

A. It was said that all captives were to be sent by the respective units themselves to the divisional HQ, and the place was said to be North Point.

Q. At the commencement of the Hongkong Island operation, did you instruct anything to your units under you?

A. I summoned the regimental commanders and gave the following instructions: The Hongkong operation would constitute the earlier part of the Pacific War. 1,300,000 inhabitants are in Hongkong, many well-known personalities from all over the world are amongst them, and they are watching the movements of the Japanese Army. Every troop should be careful and according to the laws of land warfare not to ill-treat non-combatants or do any looting. The right flank force would be engaged in decisive battle on high hills and no troop of the right flank force was to be led into the town district. Strict prohibition is ordered against entering into civilian residents.

Q. What made you think it was necessary to give such caution?

A. Unlike from other various stages and theatres of war on the Chinese continent, the residents of this Island had not evacuated yet, so I wanted to have the damages and casualties as minimum as possible and gave such caution.

Q. At that time how was the military discipline of the 38th division upheld?

A. I for myself was firmly convinced that it was strictly maintained.

Q. Were there any grounds for your conviction?

A. The divisional commander was a man of good personality, always he was speaking of military discipline, the three regimental commanders were also men of ability. Every day early in the morning and even toward dusk they devoted themselves to the education and training of troops under them. Throughout the period of garrison duty at Kwangtung there was no single incident which arose of breach of military discipline. The Army C-in-C praised that the 38th division was superior than other divisions and the infantry group commander was given words of eulogy from him.

Q. Did you know what was the plan of the Divisional Commander in the attack on Hongkong Island?

A. Yes, I did.

Q. Explain about it.

A. His plan was: Upon completion of a successful landing operation first the Hongneichong area was to be occupied and the line of communication between the west, east, north and south parts of the Island was to be cut. Then occupation was to be extended to various hilly positions until the highest point, Victoria Peak, was captured, so that the enemy would lose their hope of maintaining resistance any more.

Q. Explain the operational organisation of the 38th Division during the Hongkong Island operation?

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EXAMINATION OF D.W. NO. 1 - LT.-GEN ITO TAKETO (Accused) (Contd).

A. First, the right flank force consisting of four infantry battalions. Second, the left flank, infantry two battalions. Third, right artillery group, strength four artillery battalions. Fourth, left artillery group, strength four artillery battalions. Fifth, the straits crossing corps, strength one independent engineer regiment. Next, Kowloon Garrison Unit, infantry one battalion. Next, signal corps. Next, Divisional reserve force consisting of two infantry battalions. Next, the medical corps. Next, the supply corps. I wish to explain the boundary line of the left flank force and the right flank force of the battle ground. The boundary line passed through east of the Taikoo Dockyard and point to the north of Tytam Reservoir and point to the south of Wongneichong Reservoir and Mount Kellett. This was the boundary line.

Defence Counsel: May I let the witness use the map to facilitate his explanation?

President: Yes.

Q. Show the line on the map.

A. This is the Taikoo Dockyard, the eastern end (615 993). The northern tip of Tytam area would be this place (604 962). The southern end of the Wongneichong Reservoir would be here (591 955). Mount Kellett is this triangular surveying post (538 960).

Q. Were there any troops in the towns area of Hongkong Island?

A. Repeat your question.

Q. Were there any troops to operate in the towns area?

A. At first no any plan was made. At the entrance of the towns area one company of the right regiment was placed at first. This company received heavy shellings from the enemy and was completely annihilated. Out of this loss the Division organised the city mopping-up party with the straits crossing corps that was made up of the independent engineer regiment.

Q. About when was that?

A. It was made on the 19th.

Q. What was the strength?

A. At first it was one company. Later the main force of the Gendarmerie was added to this.

Q. You mentioned the Divisional reserve force in the Divisional operational organisation. What was this reserve force?

A. The Divisional reserve force was not assigned the duty of taking part in the combat. According to the progress of the operation, when it became necessary to replenish the first line or whenever any emergency occurred, this force was used.

Q. How was the Divisional reserve force used in the Hongkong Island operation?

A. I think the reserve force landed near North Point, following the landing of the left and right flank forces. On the 21st the enemy position at Stanley became offensive. At that time the Division did not expect such great strength in the Stanley area. Neither the left nor the right flank forces had taken any measures against this, so in view of the change in the war situation the Division decided to make the assault on this Stanley force with the reserve force. However, the fighting ceased before the Stanley attacking force carried out the assault.

Q. State the organisation of the Stanley assault party.

A. The reserve force was made up of one battalion of the 220th Regiment and one battalion of the 230th Infantry Regiment. First, the 220th battalion was despatched and then the 230th battalion was despatched and all of the reserve forces were

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EXAMINATION OF D.M. NO. 1 - LT.-GEN. ITO TAMEO (Accused) (Contd).

A (Contd): engaged in the assault.

Q. Who commanded these two battalions?

A. I do not know for certain who commanded these two battalions but this force was under the direct command of the Divisional Commander.

Q. From when was this put under the direct command of the Divisional Commander?

A. The Divisional reserve force was from the beginning under the direct command of the Divisional Commander. This reserve force was given the duty of assault on Stanley. Even after this unit was engaged in the actual assault it was still under the command of the Divisional Commander.

Q. When was this Divisional reserve force organised?

A. On the 17th, when the order for attack of Hongkong was issued this reserve force was organised.

Q. Where was the Divisional Commander at that time?

A. On the 17th do you mean?

Q. From the 17th throughout the Hongkong Island operation.

A. On the 17th when the order was issued he was at Kowloon. Towards dusk of the 19th he landed on Hongkong Island.

Q. Do you know the place where the Divisional HQ was set?

A. I think it was at a Chinese civilian house near North Point. I do not remember the place exactly.

Q. Did you ever visit that place, the Divisional HQ?

A. On the morning of the 26th, after the fighting ceased, I went there.

Q. What does that boundary which you showed on the map as the demarkation line of the battle ground of the left and right flank forces exactly mean?

A. It means the boundary line of responsibility of carrying out the operation between the two forces.

Q. State the operational organisation of the right flank force.

A. Right first line, 230th Infantry Regiment minus one battalion commanded by Col. Shoji. Left first line, 228th Infantry Regiment minus one battalion commanded by Col. Doi.

Q. What was the approximate number of men of the force?

A. The total of the right flank force was from 4,500 to 5,000.

Q. What was the total number of Japanese strength that landed on Hongkong Island?

A. Over 20,000.

Q. Did the right flank force have any reserve force?

A. It did not leave any reserve force.

Q. Explain the situation of fighting on the 18th.

A. The right first line unit embarked from west of the Kowloon airport and landed on the west of North Point. The left first line unit embarked from the coast to the east of the airport and landed at the east end of North Point. It was ordered that landing was to be carried out at exactly on 2200 hours.

Q. Will you designate these units by regimental numbers?

A. According to my operational organisation I used the term right and left first lines. Maj.-Gen. Tanaka used the terms "Shoji Butai" and "Doi Butai," and the original regimental numbers are 230th and 228th respectively. In order to avoid

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EXAMINATION OF D.M. NO. 1 - LT.-GEN. ITO TAMEO (Accused)(Contd).

A (Contd): confusion in my future evidence I wish to refer to them as the Shoji Butai and the Doi Butai hereafter. I ordered these two units, the Shoji Butai and the Doi Butai, to land simultaneously at 2200 hours. The right flank headquarters followed the Doi unit and landed at about 2 a.m. 19th at east of North Point. At that time firing of the Allied forces was concentrated at North Point and a great commotion was caused and casualties were severe. Connection between and among the HQ and the Shoji and Doi units were completely cut off.

Q. After the landing of the right flank force was finished, were any other units of the Japanese Army landed?

A. The right flank force was followed by the right artillery group, the Divisional reserve force, the Divisional signal corps. I do not remember their order.

Q. How was the war situation on the 19th?

A. The right flank headquarters was posted I think it was near the reservoir near North Point and the time was towards dawn, towards seven in the morning.

Q. With the permission of the Court, I want you to explain that point on the map.

The map, Exhibit "GG" is shown to the accused.

A. The place marked A is the place. I am not quite sure but around here (indicates).

Map reference 59 99, the square marked A, on Exhibit "GG."

Q. Next, will you show the course you followed throughout the Hongkong Island operation, with the dates and hours?

A. The time I arrived at the A position was around seven in the morning of the 19th. The numbers I use for explaining the times would be one to twenty-four system. I left here at 1200 hours on the 20th and followed the blue line up to B point. I arrived here towards evening of the 20th about 1500 or 1600 hours.

President: Arrived where?

Witness: Point B. I stayed at B point until the 25th. Towards evening I left point B and followed the blue line westward and reached point C about 1700 hours on the 25th. When I arrived at point C I received order that fighting had ceased.

Q. By aid of this map explain roughly the outline of progress of the fighting from the 19th up to the 25th.

A. First, on the 19th, the right flank force left A point about 1200 hours and arrived at B point about 1500 or 1600 hours. At that time the Doi unit was engaged in severe fighting near Wongneichong Gap. I was mistaken in my explanation. I am mixed up with the 20th.

President: What are you referring to when you say the 20th?

Witness: I intended to explain the situation on the 19th but I was thinking of the 20th.

President: Does that mean you left position A on the 20th and arrived at position B on the 20th?

Witness: Yes, I skipped the 19th.

President: Will you answer my question?

Witness: Yes. I was mistaken. I forgot to talk of the situation on the 19th.

President: The answer is yes, you left A on the 20th

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EXAMINATION OF D.N. NO. 1 - LT-GEN. ITO TAKEO (Accused)(Contd).

President (Contd): and arrived at B on the 20th?
 Witness: Yes.

Witness continues with his answer.

A. On the 19th the right flank headquarters, after landing, arrived at point A at seven. I sent forward an officer for the purpose of reconnaissance to locate the positions of the Shoji and Doi units. I received report that the Doi unit was making its way towards Wongneichong and would reach the destination towards evening. I received this report towards evening. The position of the Shoji unit could not be located even after effort throughout the whole day. Now I will move on to the 20th. The position of the Shoji unit could not be found so the HQ left A point around midday on the 20th and arrived at point B about 1500 or 1600 hours. At that time the Doi unit was still engaged in severe exchange of fire at Wongneichong. On the evening of the 20th the regimental adjutant of the Shoji unit arrived for the first time to make connection and I was informed for the first time of the operation that the Shoji unit had gone through. I learned that the Shoji unit had left one company near the place of their landing in order to cover and the main force had gone forward. The main force proceeded towards Wongneichong Gap. They arrived at Wongneichong Gap around dawn on the 19th. Then an attack was made against the Wongneichong Gap area but the resistance of the enemy positions was also intense and towards midday of the day the force had to retreat towards a point north of Wongneichong Gap.

President: Will you explain the point you are referring to?

A. I am not quite sure of the precise point but it must be around here (Wongneichong Gap 58 95). The company that was left at the landing position was also severely attacked by the enemy and almost completely annihilated. It also said that this company was receiving reinforcements from the Divisional HQ. The total casualties that day for the Shoji Butai was 700 to 800 and two battalion commanders were wounded. This was the contents of the report of the regimental adjutant. It was deemed necessary that reorganisation of the whole regiment was to be made. It would take until the 21st. Now I will move on to the conditions on the 21st.

President: I think this will be a good time to adjourn. The Court is adjourned until 2.15 this afternoon.

ADJOURNMENT

At 1235 hours the Court adjourned to 1415 hours.

RESUMPTION

At 1420 hours the Court re-assembled pursuant to adjournment, the same members as at adjournment being present.

EXAMINATION OF D.N. NO. 1 - LT-GEN. ITO TAKEO (Contd)

Witness: I now move on to the condition on the 21st. On the 21st the Shoji unit reorganised its forces. The Doi unit was at the Wongneichong Gap area, still exchanging fire with the enemy and the main part of the unit making preparations for further advance. On that day I knew by dispatch received from Divisional Headquarters that Divisional Headquarters had dispatched a city mopping-up party made up of one company of the independent engineer regiment, which was assigned

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EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd)

Witness (Contd): strait-crossing work. Secondly, I learned that the enemy at Stanley Peninsula area was turning for offence and making their advance towards Tytam Reservoir on the automobile road, and that the division was making its preparations to meet this enemy with its reserve forces.

Prosecutor: May I interrupt here, Sir? I would like to know whether he means Tytam Reservoir or Tytam Tuk Reservoir.

Witness: I am not quite clear myself but the advance was to be made on the automobile road in the direction of Lyemun.

President: Can he point out the automobile road on the map?

Witness indicates the spot on the map and says: From Stanley the advance was made along this road.

Prosecutor: He pointed out Tytam Tuk.

Witness: The enemy was advancing along the main road to Tytam Tuk.

President: There is only one main road from Stanley to Tytam Tuk.

Prosecutor: I was trying to ascertain from him whether it was Tytam Tuk Reservoir or Tytam Reservoir.

President: He says he does not know what reservoir he was talking about but he knows the road.

Witness: Also that part of the right artillery group was positioned at the south of Jardine's Lookout and the main force of the right artillery group was at the west foot of Jardine's lookout, but as to the minute details of their positions I am not quite sure. This information was forwarded to me from Divisional Headquarters. I now move on to the 22nd. The Shoji unit had started its attack and advance from the night of the 21st and by the morning of the 22nd had succeeded in forcing the enemy out of the ravine.

President: Which ravine?

Witness: From the ravine into which the Shoji unit had been forced by the enemy who had been surrounding them from above. The Shoji unit broke out.

President: Can you indicate that ravine on the map?

Witness points at a spot on the map and says: I think this is the place marked Wongneichong Gap. On the occasion of the inspection the other day in front of a police station there was a ravine. That is the place I am referring to. The Shoji unit at that time was completely exhausted and the number of their strength was reduced to about half. Orders had been received from Divisional Headquarters that the right flank force was to resume its attack as soon as possible. The right flank force, therefore, decided to begin its attack on the enemy at Mount Nicholson by the nightfall of the 22nd. The Shoji unit along the southern foot of the Doi Unit through the central peak and also the northern foot of Mount Nicholson succeeded in capturing the positions at Mount Nicholson by midnight of the 22nd. After this both units began trenching work in preparing to encounter firing from the enemy during the day time. I now explain the 23rd. On the 23rd, after it became dusk, both the Shoji and Doi units began their attack on the enemy at Mount Cameron.

Defence Counsel: Show the positions on the map.

Witness: This is Mount Nicholson (Map Reference: 5795), and this is Mount Cameron (M.R.: 5096). Mount Cameron was captured by midnight of the 23rd. I now explain the conditions on the 24th. According to Divisional order, both the left and

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EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAMEO (Contd)

Witness (Contd): right flank forces were to attack the enemy at Mount Gough (M.R. 5496) and at Mount Kellett (M.R. 5396) by the 25th. The right flank force took the whole day of the 24th to make preparations for this attack. I now go on to the 25th. A divisional order was received delaying the attack until the 26th because of the preparations. Therefore, I ordered the Shoji unit to capture a small mountain which lies between Mount Gough and Mount Cameron by making an attack on the night of the 25th. It is a high plateau at this place on the map (M.R. 567970). I left Point B towards the evening and proceeded toward the Shoji regimental command. The Shoji Butai at that time had already received severe casualties. Two battalion commanders of the unit were wounded and were being carried on stretchers while giving orders to their troops. I went there for the purpose of expressing my appreciation to these two battalion commanders and also to encourage their morale. On my way to see the regimental commanders and the two battalion commanders at Point C, the fighting ceased.

President: What date was this?

Witness: The 25th.

Defence Counsel: I now wish to go on to another subject. There is no more need for the map.

Witness: The battle was ordered to cease by about 1700 hours by divisional order. I ordered that the right flank force was to cease firing immediately on the spot and to put on strict guard at their positions. Especially to the Shoji unit I ordered that in case firing was to be resumed, the Shoji unit was to commence its operations according to the plan previously made.

Defence Counsel: Will you now explain briefly the activities of the units after the 26th?

Witness: I received an order from Divisional Headquarters about 0300 hours on the 26th that negotiations were reached. According to the divisional order, the units were to spend the whole of the 26th and 27th in clearing up the battleground. On the 30th I received a new order which stated that I, Major-General Ito, was to make all preparations for the next operation with an independent unit under which would be mixed with various units under the command of the 38th division. Embarkation was to be made on January 5 and departure on the 6th. I was, under such circumstances, very busy making all preparations for the next operation. I did not have enough time even to look through the reports coming from my various subordinate units concerning the fighting that had just been finished. Such being the circumstances, I was not quite aware of the minute details of the operation of Hongkong Island.

Q. Did you leave here as planned?

A. Due to the convenience of the transport, in actuality we embarked on the 11th and left here on the 12th.

Q. In which direction did you leave?

A. We proceeded toward Arbon Island and Timor Island, passing through the Dutch East Indies via the Philippine Islands.

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EXAMINATION OF D.M. NO. 1 - LT.-GEN. ITO TAKEO (cont.):

Q. According to your evidence given this morning, in the operational organization the 229th regiment under Tanaka was not under the command of the infantry group commander. Was there any reason for this, can you explain?

A. It depended on the condition of the enemy and the condition of the topography especially the condition of the road. My ability as the infantry group commander was very restricted, that was due to shortage of staff. It was hardly within his ability to command three regiments. The divisional commander therefore had assigned me to the most vital position of the operational area. He divided the units into two parts, left and right flanks with such intention.

Q. In such case what was the relation between you, the right flank commander and Col. Tanaka who was the left flank commander?

A. I was the commander of the right flank force and Tanaka the commander of the left flank force. The area of battle ground was assigned by divisional order to both flanks, the strength to be used under each flank was designated. Each was given its particular duty of fighting. I and Tanaka carried out the fighting on entirely the same status, both being independent of the other. During this operation, the relation which existed between the infantry group commander and the regimental commander was temporarily suspended.

Defence Counsel: This ends my examination-in-chief.

CROSS-EXAMINATION BY PROSECUTOR:

Prosecutor: When did you first receive any orders for the attack on Hongkong Island?

Accused Ito Takeo: 17th.

Q. What time of the day?

A. I don't remember clearly.

Q. Morning or afternoon?

A. I am not quite sure.

Q. Are you sure of the times that you gave up this morning in your evidence? If you cannot remember an important thing like the time the order was received for the attack on Hongkong Island, are we to understand that you are not sure of the times you mentioned this morning?

A. I think it might have been in the morning, but I am not sure.

Q. Who was present when you were given the order?

A. All of the staff of the divisional HQ and all commanders of various units had all assembled.

Q. Col. Shoji, Doi and Tanaka present?

A. Yes, they were.

Q. Was the Chief of Staff of the divisional commander present?

A. Yes, he was.

Q. I take it these orders you talk about are the divisional commander's orders, is that right?

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CROSS-EXAMINATION OF D.W. NO.1 - LT-GEN. ITO TAKAO (cont.):

A. Yes.

Q. Had you been present at any previous orders on the subject of the attack on Hongkong Island?

A. To which time do you refer?

Q. Had you been present at any orders about the attack on Hongkong Island prior to that of the divisional commander?

A. By saying previous to this order, do you mean the order of the Army C-in-C?

Q. Possibly, yes. I am asking you, I want to know?

A. On the occasion of such orders, I would not be present.

Q. So the first occasion that you received any orders on the attack on Hongkong was the divisional conference, is that right?

A. Yes.

Q. How long did that order conference last, several hours, one hour?

A. I think it took a full two hours.

Q. In that conference was a scale model used of the Island of Hongkong?

A. I don't remember well, I think there was not such a thing.

Q. What did you use, ordinary scale maps, is that correct?

A. We used maps like those produced to the Court. These were made by the Japanese.

Q. Hadn't this attack been rehearsed before, somewhere in China?

A. There was no particular rehearsal of the attack on Hongkong Island.

Q. What other information did you have about the Island besides scale maps?

A. The positions of pill-boxes and others were marked on the maps that were made in Japan by the Army.

Q. And to use aerial photographs as well, is that correct?

A. I did not see them myself.

Q. You must agree, General, that it was a very ambitious plan to land on an island of this size and completely over-run it in darkness without some more information than just maps?

A. All that we did was to carry out orders whenever the orders were issued by the divisional HQ.

Q. After the conference, did you then have another orders conference to give orders to your subordinate officers?

A. I did not hold any conference.

Q. At the time of that conference were you still the 38th infantry group commander?

A. Until that conference my post of being the commander of the left flank force in the attack of Kowloon was still in force.

Q. When did it change, before the conference, during the conference or after the conference?

A. The operational re-organisation is made at the moment when the divisional order is received, at the acceptance of this order I was changed from left flank commander to right flank commander.

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (cont.):

Q. Were the other Butain commanders aware of that change?

A. Yes, according to the divisional order, the entire divisions would be aware of it.

Q. So according to you, you were not to be called by anybody after the divisional orders conference, the 38th infantry group commander, is that right?

A. To be exact, the post of the 38th infantry group commander was already abolished for the time being, but my original duty being that of commander of the 38th infantry group, some people might have called me the 38th infantry group commander by mistake.

Q. What exactly were your orders on the attack on the Island of Hongkong. You have given detailed description of what you did, I have no idea what you were supposed to do, General. Will you tell us?

A. The contents of the divisional order explained the duties of each unit organised under the new operational organisation.

Q. What were your orders, General, what were you supposed to do, just attack Hongkong or what?

A. The duty for the right flank force was to attack the enemy within the area of the battle ground as assigned to it and capture as far as Mt. Victoria.

Q. I take it that within that area it was up to you to choose the route and the method which you did to capture those objectives, is that right?

A. Matters concerning the right flank force were carried out by my orders.

Q. When was the first occasion that you had to issue orders yourself to your subordinates?

A. That is concerning the Hongkong Island operation?

Q. Yes.

A. After I received the divisional order, I issued my orders to my subordinates.

Q. Now, you told us a few minutes ago that you did not issue any orders, do you remember?

President: He said he did not have any conference, that's all.

Q. When did you issue the orders?

A. On the 17th I issued my order on receiving the divisional order.

Q. How long after you received the divisional order did you issue your orders?

A. I think it took one whole day for the preparation to issue my orders.

Q. That would still be on the 17th or the 18th?

A. On the 17th. I cannot remember clearly.

Q. Why did you take so long, what were you talking about all that time?

A. In carrying out a trans-strait operation, boats and plans for gathering boats and allotment of men to each boat had to be very well scheduled, so it took some time. Complicated calculation had to be made as to the time that would be used for the trip of the boat for one way and return, as the speed of boats varied according to the tides.

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (cont.):

Q. Now, on this occasion when you were still on the mainland, did you point out the objectives on the Island to your subordinate commanders?

A. Do you mean, did I or the divisional commander?

Q. You.

A. Not before the issue of the divisional order.

Q. During this occasion when you were giving orders about the shipping to cross the harbour, did you also give orders to your subordinates about the objectives to be taken on the Island of Hongkong?

A. I did not, the place where I was to proceed was not even decided yet.

Q. But you knew where you were going to land, is that right?

A. Such matters were never shown to the subordinates other than beyond the scope of the divisional commander's orders.

Q. Surely the divisional commander told you where you were going to land, didn't he?

A. I did not know where I was to land.

Q. But you had been given the objectives on the Island without knowing where you were going to land, is that right?

A. This from the divisional commander?

Q. Yes.

A. The landing positions of the divisional forces were shown but the times and landing places of the commander himself, the divisional HQ, were not shown. As yet at that time the divisional commander did not know whether the attempt of the landing operation could be successfully carried out or not. In case successfully carried out then the movement of the divisional commander would be decided, as at that time it was beyond conjecture.

Q. In the afternoon of December 17, 1941, when you were given orders by the divisional commander, did you know what points you were to land on Hongkong Island, that is your force?

A. Yes, that was shown in the divisional order, a point to the east and the west of North Point.

Q. So, before you issued your orders to your subordinates they were already aware of the landing places on the Island?

A. Yes, they knew by the divisional order.

Q. And they were also aware of their objectives and of their area on the Island?

A. Yes, everything was shown in the divisional order.

Q. Were the times of embarkation and disembarkation known in the divisional commander's orders?

A. That the embarkation was to be carried out simultaneously at 2200 hours was decided in the divisional order.

Q. Were there any further orders issued by the divisional commander after those you already mentioned to us?

A. I think there was no more order issued, but other than the operational order there might have been ordinary standing order of the day issued, but I am not quite sure.

Q. Were the orders regarding POWs given by the divisional commander at that time?

A. I think, as I already said, there was an order issued to the effect that prisoners were to be escorted to a place near

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CROSS-EXAMINATION OF D.A. NO. 1 - LT.-GEN. ITO TAMAO (cont.):

A(cont.): North Point by various units.

Q. Was that order about prisoners given on that particular occasion, that is all I want to know?

A. I think it was so.

Q. Then, was it after that when you were giving your orders to your subordinates that you also gave your speech about not ill-treating the inhabitants, is that right?

A. Yes, I gave that instruction after giving my orders.

Q. Did anybody tell you to give those instructions?

A. No one, I gave that instruction out of my own will.

Q. I take it, then, that you expected misbehaviour on the part of the troops, is that right?

A. No, Sir. I said that so that casualties and injuries which would be caused on a town with a large population be lessened as minimum as possible.

Q. Did you give any orders about the disposal of POWs when you gave this speech to your subordinates?

A. I did not take up any matters like that. Such matters are stipulated in the Regulations concerning field operation and every member of the Service should have been aware of it. The wording of the article in this Regulation is as follows: In case any captive was taken, documents held on the person of the captive should immediately be seized. If there was any necessity, only important matters were to be interrogated and the captives were to be taken to the superior commander.

Q. Did you expect to take many prisoners on this attack on the Island?

A. To be exact, I had thought that fighting would immediately cease without receiving any tough resistance from the enemy if upon the successful completion of the landing operation by the Japanese forces. In fact I did not expect that there would be any such persistent resistance as we received.

Q. I take it that you were in receipt of information of the estimated strength of the enemy on the Island?

A. The Army itself, I think, might have received certain information, but we were not informed.

Q. That's rather extraordinary, General. You were the people who were actually going to attack the Island. How do you reconcile that?

A. I was not commanding the whole force of the attacking force.

Q. Are you seriously telling the Court that you, as a force commander, received no information of the strength of the enemy on the Island?

A. I had not received any information.

Q. Had you received any information of the possible centres of resistance in the Island of Hongkong?

A. I had no information regarding the Hongkong Island, at which place we would receive any resistance. We did not know.

Q. Did you know if there were any enemy troops on the Island at all?

A. Yes.

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CROSS-EXAMINATION OF D.M. NO. 1 - LT.-GEN. ITO TAMEO (cont.):

Q. Did you know how many?

A. It was only my imagination, but I think there might have been 15,000 in the area including Hongkong Island and Kowloon.

Q. What did you base your information on, General. If no one told you anything about it, what did you base your information on?

A. I judged from the extent of the positions in the Kowloon area and the largeness of the Hongkong Island in regard to carrying out the defence of the Island that number of 15,000 or near was necessary.

Q. That is unlike the well-known efficiency of the Japanese Army not to inform the commanders of the [redacted] approximate strength of the enemy they are going to face?

A. That was up to the divisional commander and the Army C-in-C only to that extent, and to those ranking below such officers it was no matter to be concerned, for then it was only to carry out superior orders.

Q. I don't want to labour this, General, but are you really telling the Court that ^{when} you took off for the assault on Hongkong Island as the first wave of troops, you had no idea what the position was in front of you, is that right?

A. I already said I did not expect that we would receive such persistent resistance.

Q. You weren't told about any resistance, you weren't told whether there would be any resistance or not, is that what you are trying to tell us?

A. I myself thought so. Others might have thought likewise.

Q. But you were given no information about it, were you?

A. No, Sir.

Q. After you had given your orders to your subordinates about the embarkation and disembarkation arrangements, when was the next occasion when you had to give orders to your subordinates?

A. Orders were issued according to the changes in the progress of the battle. I conclusively ^{but} all orders issued by me after the first order was on the occasion of making the assault on Mt. Nicholson on the 22nd.

Q. I take it that up to that point the progress of your troops had gone according to plan?

A. The movements were not at all as planned. No one expected that Shoji unit would be forced into such a miserable state as explained.

Q. And before that occasion on the 22nd, you had not given any orders to your subordinates, is that what you say?

A. That is referring to orders which had the form of conclusive set, not to frequent orders that were issued according to each individual change in the ^{point} progress of the battle.

Q. What I mean, General, is from the ^{point} you landed, as I take it that you were in constant touch with your subordinates and that you in fact directed the battle, you directed their operations from the time they landed?

A. Contact with the Doi unit was made after I reached Point B on the 20th, with the Shoji unit I think communication was made through the telephone by the morning of the 21st.

Q. Between Point A and Point B, you had on certain occasions to give orders to your subordinates, is that right?

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CROSS-EXAMINATION OF D.M. NO. 1 - LT.-GEN. ITO TAKEO (cont.):

A. Between these two points the movements of both the Shoji and the Doi units were not known to me, so I could not give any orders.

Q. The first occasion when you got to Point B, is that what you are saying now?

A. The first point being at Point B, what do you mean?

Q. Is that the first occasion you came into contact with your troops?

A. Yes, contact was made for the first time when I reached Point B. The first contact with the Shoji unit was made in the night of the 20th when the Adjutant came to report.

Prosecutor: I am going on to another topic now, Sir, if it is convenient for the Court to adjourn until to-morrow.

President: The Court will adjourn until 10 o'clock to-morrow morning.

ADJOURNMENT.

At 1635 hours the Court adjourned until 1000 hours on Thursday, January 29, 1948.

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Lt.-Col. Warwick.

Trial of:

Lieut-General Ito Takeo.

10th Day.

Thursday, January 29, 1948.

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NO. 7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
THURSDAY, January 29, 1948.

10TH DAY'S Proceedings in the Trial of:
Lt-Gen. ITO TAKEO, of the Imperial
Japanese Army.

At 1005 hours on Thursday, January 29, 1948, the Court
re-assembles pursuant to adjournment. Present: The same
members as at adjournment on Wednesday, January 28, 1948.

President: Before we start to-day's proceedings, there
are two alterations in the script. On page 146, about the
11th line from the top, there is a triangle to be put in
between the word "Between" and the figure "434". In the same
line, "fired by", I think it should be "fired at by." Do you
agree?

Prosecutor: Yes, Sir.

Defence Counsel: Yes, Sir.

President: On page 152, towards the lower half of the
page: "Prosecutor: Witness did not say he was able to." I
think it should be "unable to." You agree?

Prosecutor: Yes, Sir.

Defence Counsel: Yes, Sir.

President: Will you carry on with your cross-examination?

D.W. NO.1 - LT.-GEN. ITO TAKEO (Accused).

The President reminds Accused Ito Takeo that he is still
bound by his original affirmation.

CROSS-EXAMINATION BY PROSECUTOR (cont.):

Prosecutor: Continuing with the movements of the right
flank force: Who were actually the first troops to attack
Jardine's Lookout?

Accused Ito Takeo: I think that was the Shoji Butai.

Q. Did you hear that later?

A. Yes, later. I did not know at the time.

Q. What was that date again, General?

A. I think it was during the morning of the 19th.

Q. That was when they actually attacked the position, not when
you heard it?

A. Yes.

Q. Were they the first troops in that area?

A. I think they were.

Q. Had any other troops been assigned to attack that position?

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Occupation _____ Case No. _____
Age+ _____ Date of Trial _____
Place of Trial _____ Date of Offence(s) _____
Place of Offence(s) _____
Precis of Case. _____

Particulars of Victims (i.e. Status, Nationality, Sex.)

Charge(s) of which convicted.

Details of Offence(s) committed.

Sentence of Court.

Remission (if any)

Report of Prison Governor.

Recommendation of Board.

Remarks.

Brigadier.
President.

Lt.Col.)

Lt.Col.)

Members.

Date. _____
At time of offence(s)

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CROSS-EXAMINATION OF D.W.NO. 1 - LT.-GEN. ITO TAKEO (cont.):

A. To the north of Jardine's Lookout was assigned the Shoji unit.

Q. To the south of Jardine's Lookout the Doi unit, is that right?

A. That's right.

Q. When the Shoji unit was attacking Jardine's Lookout, where was the Doi unit?

A. I did not actually witness the progress of the battle in the morning of the 19th on the spot. I did not know of the small matters. Considering, however, from the distance that had to be covered by the Doi Butai from the point of their landing, I think the Doi unit had not as yet reached that line.

Q. From where did the Shoji unit attack Jardine's Lookout, in what direction?

A. Their attack must have been led from the north.

Q. What route did they take from the place of disembarkation on the Island?

A. I did not know of such matter.

Q. Did you know later?

A. When I saw into the map and sketches in this Court showing the movements of the Shoji unit I became to know of it.

Q. It is true that after the Shoji Butai had taken Jardine's Lookout they then advanced southwards to Stanley Gap?

A. I was not very well aware of the condition of the changes of the fighting. By the time when the fighting ceased, I was assigned a new duty of operation and I had to leave here immediately. I did not have time to go through the various reports coming from subordinate units concerning the condition of fighting that they had gone through.

Q. But you had learnt that they had been fighting in the Wongneichong Gap area on the 19th, hadn't you?

A. I knew for the first time in the night of the 20th concerning the conditions there when the regimental adjutant of the Shoji unit came over to the right flank force HQ to make a report.

Q. Yes, you heard from this regimental adjutant that the Shoji unit had been fighting in the Wongneichong Gap area on the 19th, didn't you?

A. Yes, I heard that.

Q. And when Shoji sent that regimental adjutant to you, he called you the 38th infantry group commander, didn't he?

A. In what sense do you mean?

Q. Are you aware that in the statement of Maj.-Gen. Shoji he says that he sent his regimental adjutant to you, Gen. Ito, the 38th infantry group commander on December 19?

A. Did I hear you say in the night of the 19th?

Q. I beg your pardon. On the afternoon of the 20th.

A. It was the night of the 20th.

Q. And why did he call you General Officer Commanding the 38th infantry group?

A. As I said in my earlier evidence yesterday, the title I had been given by the War Office was infantry group commander.

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CROSS-EXAMINATION OF D.W. NO. 1 - LT. GEN. ITO TAKEO (cont.):

A(cont.): According to the operational organisation, to-day I may be Officer Commanding the left flank force and to-morrow I may be Officer-in-charge of the right flank force.

Q. On December 20, 1941, Maj.-Gen. Shoji called you the 38th infantry group commander, is that right? Answer that question, will you?

A. I don't remember just how I was called on that occasion, but disregarding the fact that my duty and responsibility as infantry group commander had been temporarily suspended, it is quite possible that my subordinates might have called me by my original title, because they had been used to calling me by that title. It was quite easy for my subordinates to call me either Maj.-Gen. Ito or the right flank force commander or infantry group commander, but from the moment when I became the right flank force commander, I did not have the duty and responsibility of the infantry group commander any more.

Q. If a civilian house was fortified would you be justified in attacking it?

A. If the civilian house was manned with enemy soldiers and was firing, I think it would be justified to make an attack against it.

Q. What were the duties of the straits-crossing unit normally?

A. Their duty was usually to manipulate boats and land forces.

Q. What sort of boats?

A. The boats used here were motor boats.

Q. How long did it take to transport the 20,000 men to the Island of Hongkong across the straits?

A. I think about 24 hours were sufficient, I did not know in detail.

Q. With all their stores across at the same time?

A. I did not know of that.

Q. Did you have to use the infantry guns, the right flank forces?

A. I was not quite aware of the exact condition of the fighting at the first line. I did not know just how they used the infantry guns.

Q. Were they used at all?

A. I did not go to the first line on the spot, so I could not know.

Q. Regarding the right artillery group, who gave them their orders to proceed to Jardine's Lookout on December 21?

A. I think it was the divisional commander.

Q. They were in your force, weren't they?

A. All the units which I explained, enumerating with numbers from 1 to 8, were under the direct command of the divisional commander. Between the various units there was no relation of issuing or receiving orders.

Q. If artillery support was required from that unit, what was the procedure?

A. Officers from the artillery group had been sent to the right flank force HQ, to the Shoji unit HQ and the Doi unit HQ, for the purpose of liaison. If there was any need of

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (cont.):

A(cont.): assistance from the artillery group, the request was made through this liaison officer.

Q. But not to divisional HQ?

A. It was previously provided, according to divisional order when the operational organisation was formed, that the right artillery group's duty was to co-operate with the right flank force.

Q. But when support was necessary to overcome opposition, I put it to you that it was not necessary for the right flank force commander to contact divisional HQ for permission to use that artillery?

A. The request for co-operation of the artillery group was directly made by the first line regimental commander. If that request had to go through the right flank force commander to the artillery group, much time would have been lost and not up to the need of the operation.

Q. When were the first prisoners taken?

A. I don't know well.

Did

Q. ~~Did~~ you ever hear about that later?

A. I think there was a report by telephone on the 20th.

Q. Tell us all you know about that?

A. Only approximate numbers of the prisoners were reported. I do not now remember the exact number taken per day. As I said in my earlier evidence, the prisoners were to be directly sent to the charge of divisional HQ from the various regiments and not through me, so I did not know well.

Q. And did the regiments know exactly where divisional HQ was all the time?

A. As I said yesterday, the direction was previously given that North Point was to be the place, so I think the prisoners were all sent there.

Q. Was this place pointed out on a map before you left the mainland?

A. I did not know much of the daily standing orders.

Q. Were you very concerned as to what happened to POWs, do you know?

A. Up until the very moment of the commencement of the operation, I had formed the belief in my subordinates that their conduct and demeanour were not to be in any way unlawful. It was for me the first time to learn of all the wrongful acts by the Japanese forces when I was accused for trial in this case. It is more than to my regret that such things were committed by the Japanese forces.

Q. You agree that they were committed then, do you?

A. For the date that had been gathered for the charges, I have not now in my hand any materials to make any rebuttal sufficient enough to overturn the allegations. To be sincere, I earnestly wish to express that there never happened such things, but as it is now, I have nothing in my hand to support my assertion.

Q. Where were you on December 20 when you first heard about these prisoners?

A. When I arrived at ~~Point~~ Point B, I heard about the prisoners.

Q. What did you hear about them?

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (cont.):

A. I only heard the approximate numbers of prisoners taken captive every day.

Q. I am very interested in the first report, General. Will you stress that, the first report that you heard about the prisoners? Tell us all you know, what you heard, when the first prisoners were taken?

A. I do not now remember what the first report was concerning the prisoners. The matters concerning the prisoners were directly taken care of between the regiment and the division, so the right flank force itself was not concerned. I cannot remember much.

Q. Surely you wanted information about the enemy, didn't you?

A. In order to draw up any information concerning the enemy there were officers specially assigned to the charge of interrogating the prisoners at divisional HQ. These officers were staff officers in charge of intelligence. The staff officer in charge would send such information to the various units concerned, the information he obtained from the prisoners. As I said yesterday, the prisoners were to be taken immediately to divisional HQ, the reason for stipulating this in articles in the Regulations is only for the purpose of information.

Q. But surely you wanted that information, didn't you, General?

A. In the Hongkong Island operation there was not much need for information once the operation had commenced.

Q. I would have thought it would have been just the opposite, General. You said yesterday you had an idea of the strength of the troops. I would have thought you would have been very much concerned of the strength of the enemy troops once you landed, is that correct?

A. The information we wished to know was confined strictly to matters like the possibility of retreat of the enemy, or new reinforcements coming in to the area of operation. Concerning the enemy in the actual field, all for us to do was only to assault.

Q. Surely, as force commander, it would make your task much easier if you knew who ~~you~~ you were fighting, wouldn't it?

A. The information concerning the enemy had to be ascertained for their accuracy by ~~mean~~ specially in charge of such matters who would interrogate the prisoners at fixed quarters. It was most dangerous for each individual unit to interrogate prisoners and draw any information concerning the enemy, thereby misjudging the positions of the enemy.

Q. In that case, when did you get your first information about the enemy?

A. I myself never obtained any information directly from the prisoners. I think there was such information attached to the Divisional orders.

Q. Throughout the whole battle did you know what enemy you were fighting? Did you ever know from the 18th until the 25th who you were supposed to be fighting?

A. Yes, I knew that.

Q. Where did you get that information from?

A. I do not know the exact date but I received report from the Shoji unit that there was one Canadian Brigadier dead at the Wongneichong Gap area. On this occasion I felt very keenly that men under such a valiant Brigadier must also be valiant, fighting bravely. This Brigadier sacrificed himself in action

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd).

A (Contd): is ^{an} example for us. In this way I encouraged my subordinates in the praise of the enemy.

Q. How did you know that the Brigadier was brave?

A. The enemy force had been for three days throughout offering stubborn resistance to the overpowering Japanese at the defending positions at Wongneichong Gap and they had all -- most of all of them -- died in action. I thought that the Canadian Army might have been much better than the Japanese and that we should in some way take them as our example.

Q. When did you first hear there were Canadians against you?

A. I cannot remember that clearly.

Q. Did you hear at the same time that you heard about the Brigadier being killed?

A. I heard that there were Canadian Army men at Wongneichong Gap area. I do not know when for the first time the Japanese Army encountered them.

Q. Would that be the 20th when the adjutant from the Shoji Butai came to see you? He would have that information, wouldn't he?

A. I think I did not hear such information on that occasion.

Q. You mean to say your troops were held up for three days and you did not get any information back as to who the troops were, the strength, any information about them?

A. I do not remember when and from report of which unit it was but I heard that the enemy fighting at Wongneichong Gap area was the Canadian Army.

Q. You heard it before the end of the battle, didn't you?

A. Yes, before.

Q. Remember that you heard about the prisoners being taken on the 20th, don't you? You told us just now you heard of prisoners being taken on the 20th?

A. Such things like dates or hours of such things are not vivid in my memory because the incident took place six or seven years ago.

Q. You gave some pretty accurate dates yesterday, didn't you, General, even down to hours?

A. Matters that I had recalled from memory I can remember the dates of to a certain extent, but if I was asked abruptly what date and what hour and from which unit such things were I cannot immediately recall.

Q. General, the purpose of these questions at the moment is to find out what steps you took to get information about the enemy.

A. The information must be obtained from very wide sources by men specially assigned to such work and the accuracy ascertained otherwise it would have no value as information at all. The right flank force had only two adjutants and no interpreter so could do nothing about obtaining information.

Q. I take it that up to the 20th December communication with your forward butais was non-existent?

A. Yes.

Q. So before the 20th December I put it to you that you yourself took no steps to see that the prisoners-of-war were treated properly?

A. Contact was made on the 20th. Between the matter of making

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd).

A (Contd): contact and the question of the prisoners, however, I do not think there is any relation.

Q. I do. I do. What steps did you take before the 20th December to see that the prisoners taken by your forward Butai were treated properly?

A. Before the operation started I gave instruction to my regimental commanders that the prisoners were to be taken care of as provided by the Laws of Land Warfare. Minute details of the principle were to be amplified by the regimental commanders and battalion commanders. Such amplification was not for me to ponder on, nor did I do any such thing.

Q. Did you do anything after the 20th December?

A. Also concerning the prisoners?

Q. Yes.

A. During the progress of the fighting no concrete order was issued concerning each and every question of the prisoners.

Q. From you.

A. May I continue with my former explanation?

Q. Yes.

A. The question of the treatment of the prisoners was a topic to be taken up in the course of the training and education of the men by the regimental commanders, battalion commanders and company commanders. It was a question of daily training and education. It was not for me to give minute detailed instruction on each occasion while the operation was in progress.

Q. That is your opinion, General. You gave no concrete orders?

A. No, I did not.

Q. You did not give orders, is that right?

A. No, I did not. I mean the daily orders.

Q. You did not give concrete orders in the form of daily orders, is that right?

A. Yes.

Q. Did you see any prisoners at all being marched to North Point?

A. Not even once.

Q. Do you know what route they took on the way back?

A. Even that I do not know.

Q. Did not the butai commanders ever tell you how they had sent their prisoners back?

A. I did not receive such report.

Q. Was your area of combat more important than the other area of combat?

A. Yes, it was important.

Q. More important, was it?

A. Yes, it was the most important area.

Q. Why?

A. Once landing was effected on Hongkong Island the topography of the Island was that most part of the Island was made up of high hills and beaches and towns areas had no value. Once the high positions were occupied the towns areas or other low places would have no more strategical value.

Q. How do you reconcile the fact that your force being only

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd).

Q (Contd): double that of Tanaka's and that your rank was so much higher than Tanaka's, a major-general commanding a force of 4,500 and a colonel commanding a force of 2,000?

A. The Divisional Commander assigned me to the duty that was most important of all. Col. Tanaka was assigned to duty comparatively not as important as my area which was only apt to cause hindrance to my movements.

Q. When did you contact his force?

A. There was no direct means of communication between us, no telephone line was established. All communications between us two were made through the Divisional Headquarters.

Q. Did you ever contact him?

A. I think contact could have been made if a man was despatched.

Q. Did you ever despatch a man?

A. No.

Q. Did you know what was happening on your left flank?

A. Yes, the Divisional Headquarters informed the conditions of the left flank force and the right flank force to each and vice versa.

Q. When did you get the first information about the activities of the left flank force?

A. I think it was on the 22nd or 23rd when I heard that the Tanaka unit had completely occupied the house by a bay I think it was.

Q. Repulse Bay, was it?

A. Yes.

Q. How did you hear that?

A. It might have been by telephone from Divisional Headquarters but I do not remember exactly by what means or by what way I received that report but the first report concerning the condition of the left flank force activity was when they had occupied Repulse Bay area.

Q. You heard that on 23rd December, did you?

A. 22nd or 23rd, I do not remember very well.

Q. When you heard that, it was actually the same day that Tanaka had occupied Repulse Bay Hotel, wasn't it?

A. I am not quite certain of that.

Q. Were you not worried about a possible enemy counter-attack on your left flank?

A. Excepting for the enemy right in the opposing directions I did not have any worry concerning my left.

Q. Why? Because you assumed the Tanaka Butai was there, is that correct?

A. Commanders of all areas of operation were given each with individual duty and the place of battle and the strength and each commander was to exert himself to fulfil that assigned duty and that was all.

Q. Then is it correct that you took no steps to find out whether your left flank was secure?

A. That was the work of the Divisional Headquarters, not my duty.

Q. After all, you were the commander of the force on the spot. Surely it would be very much a concern of yours as to what was happening on your left flank?

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd).

A. I did not feel any danger on my left.

Q. Were you aware that there were British troops on the south-east corner of the Island?

A. I knew for the first time that there were enemy when they came out at the Stanley Peninsula. I did not know of their existence there before the operation started.

Q. When was that you heard that, General?

A. The 21st.

Q. Where did you hear it from -- that information?

A. From the Divisional Headquarters.

Q. Where were you then?

A. At B point.

Q. Did you think that Tanaka was going to send a force down there as he was in that area?

A. Yes, that was inside the area of the left flank force so I thought the left flank force would take some action to it.

Q. What did happen in that area?

A. At Stanley, you mean?

Q. Yes.

A. I do not know that.

Q. Did you take steps to find out which force had attacked in that area?

A. I learned that the Division had sent its reserve force to this area.

Q. When did you learn that?

A. The 21st.

Q. I thought you said just now that you thought the Tanaka unit was going to look after that area?

A. Against the enemy that was advancing on the automobile road eastward, the Division reserve force was sent, but I do not know whether all of the enemy had gone in the same direction or any part of them had gone towards the west.

Q. Do you remember the Tanaka unit rendezvousing at Wongneichong Gap?

A. I did not know at that time.

Q. You remember Tanaka telling us in this Court that the prisoners that he took were to be concentrated at a point 600 yards east of Wongneichong Gap?

A. Yes, I remember that.

Q. And that point -- he pointed it out on the map -- was directly on your line of advance? That was on a point west of point B?

A. I do not remember just on which point in the map he showed the place although I remember exactly the place he showed as the place they took rest.

President: It will probably help the witness to answer these questions if he had a map to look at.

Prosecutor: Yes, it would, but I do not want to use a map at the moment, sir.

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd.).

Q. Did you meet any of Tanaka's troops in that area?
 A. Myself, do you mean?

Q. Yes.
 A. I arrived there in the afternoon of the 20th. I did not see any of the Tanaka Butai men.

Q. Did you hear any reports from your forward Butai that they had made contact with Tanaka's troops?
 A. I did not hear even once that contact was made from the right flank force to the Tanaka unit.

Q. Do you agree that was part of the original plan, the Doi, Shoji and Tanaka Butai to meet at Wongneichong Gap?
 A. The course of march followed by the Tanaka unit was mistaken. The Tanaka unit had been astrayed because it had tried to seek a short cut.

Q. It was part of the plan to meet, wasn't it, at Wongneichong Gap? I am not talking about what actually happened. It was part of the plan?
 A. No.

Q. It was part of your suggestion, wasn't it?
 A. Do you mean for me to have called the Tanaka unit to the Wongneichong Gap area?

Q. No, just to meet. All three Butai. You said it was a good idea for all three Butai to meet there.
 A. I did not say anything like that at all.

Q. You remember Tanaka saying in this Court that you had said in conversation that it would be a good idea if all the force had met at Wongneichong Gap?
 A. When did I say anything like that to Tanaka?

Q. I am asking you. I will read out what he said. This is what I was asking Tanaka when he sat where you are sitting now.

President: What page are you referring to?

Prosecutor: Page 137. I will qualify the question by helping him a bit.

Q. I was questioning Tanaka about the speech you made to the Butai commanders on the same day that you had received orders from the Divisional Headquarters. I went on to ask the following question: "Did Ito say to you in conversation that it was a good idea if all the force met at Wongneichong Gap after the attack had started on Hongkong Island?" Tanaka answered: "During the course of conversation I remember he said that." Then I said: "When did he say that?" Tanaka answered: "Just before we went to receive our orders at the Divisional Headquarters on the 17th."
 A. Such thing might have been talked of in the course of the conversation but I do not now remember. If in fact I had said that I should have meant that we hoped to meet each other again if we had lived out through the action.

Q. Before you went to get the Divisional Commander's orders you had no idea of the objectives in Hongkong Island, had you?
 A. I had not.

Q. How was it you mentioned in conversation to Tanaka about meeting at Wongneichong Gap? How was it you knew of this place? That was before you received your orders from the Divisional Commander.
 A. Was it not conversed after the Divisional orders were issued?

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd).

Q. No, Tanaka said before.

A. I would not have given any instructions to my unit commanders, Doi and Shoji, before the Divisional orders were issued. I think I heard you say that Tanaka said the conversation was held after I gave my instructions to my subordinates.

Q. That was not what was said that day. It is in the record. It was before.

A. Before the Divisional orders?

Q. Yes. After all it was only a conversation, it was not instructions. It does not say instructions.

A. It is very difficult for me to remember anything in detail.

Q. Could you have had a conversation on these lines before the Divisional Commander's orders?

A. I cannot remember now exactly into the details of each and every miscellaneous topic.

Q. Well, General, I will compromise and suggest you said that in conversation after the Divisional Commander's orders. Would that be more convenient?

A. Then what is your proper question?

Q. What made you think it was a good idea?

A. Even if I tried to recall back now I cannot see why any such meeting was to be made during the midst of the progress of the fighting. I cannot myself exactly understand the point.

Q. Nor can I. I want to know why you said it. One of your colonels here in the witness-box said you said it in conversation. I want to know why you said it, that's all.

A. As for me it is difficult to understand just what and with what meaning I had said such a thing. I cannot remember now can I understand with what intention and what meaning Tanaka had given such evidence.

Q. Did you ever think it was a good idea for all the force to meet up at Wongneichong Gap?

A. No. It is the worst thing to concentrate all forces at one point.

Q. But in point of fact Tanaka's troops had concentrated in that area, didn't they?

A. I only imagine that the Tanaka unit was taken astray in trying to find a short cut to hasten their march and their course was entirely mistaken. I thought it was proper for Tanaka to follow a course from Lyemun area through Stanley and beyond the areas along the Bay on the automobile road. I thought that was his proper way to fulfil duty.

Q. When did you think that? Thought or hoped?

A. I think that the Divisional Commander also thought that way.

Q. When did you think that, before the Divisional orders were issued?

A. Before the Divisional orders were issued I knew nothing about it. After the Divisional orders were issued I thought that the Tanaka unit would proceed on that road.

Q. Were they ordered to take Stanley?

A. I thought that the Tanaka unit, after landing, would proceed towards Repulse Bay.

Q. You thought? I see. Were they actually told to take Repulse Bay or were they just given an area in which to operate?

A. Only the extent of the area of operation was shown. All enemy within that area was for Tanaka to take and destroy.

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd).

Q. What made you think he should go to Repulse Bay?

A. The supreme plan of the Division was to cut off the communications of the Island between north, south, east and west by lines crossing at Wongneichong Gap, so I thought it was quite natural for the Tanaka unit to go clear on to that area.

President: I think we will adjourn now. The Court will adjourn until 2.15 this afternoon.

ADJOURNMENT

At 1240 hours the Court adjourned to 1415 hours.

RESUMPTION

At 1430 hours the Court re-assembled pursuant to adjournment, the same members as at adjournment being present.

CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd).

Q. Regarding the landing of the right flank forces. Were there two separate landing places for the Doi and Shoji Butai?

A. Yes.

Q. Is it true to say that Doi was on the left of Shoji?

A. Yes, facing the enemy.

Q. Did they advance together or one after the other?

A. It was planned that the disembarkation was to be carried out simultaneously.

Q. When they did disembark, did they set off one after the other or both on the same line?

A. The extent of the advance of the division was shown had proceeded individually.

Q. Every man for himself, is that the idea? Each man had to make the objective or what?

A. The Doi and Shoji units each proceeded under the command of their respective regimental commander.

Q. Who went first?

A. Judging by the result, the Shoji unit had reached the Wongneichong Gap area earlier.

Q. But you had no idea in the first place who went first, is that correct?

A. No, on that day I was not quite aware of the movements of the two units.

Q. When you followed up in the rear did you take the same route that they had taken?

A. The route I took was, I think, the one taken by the Doi unit, but to be sure I was not quite aware of the course of the Doi unit.

Q. What made you take the route that you took?

A. Wongneichong Gap being the most important point in the divisional plan of operations on the island, I took that route because it seemed to be the safest and nearest to that point.

Q. Did you ever consider going west of Mount Butler?

A. Is that the route running to the west of Jardine's Lookout.

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd)

Q. Do you want to look at the map?

A. Yes, I can't locate Mount Butler.

Witness is shown the map and after looking at it, he says:
By the road running west of Mount Butler, which route do you mean?

Q. Any road. Was there a road there?

A. There was a route to the west of Jardine's Lookout but it was exposed to the enemy's gunfire during the day time and it was impossible to pass through there. So I took the route I followed.

Q. When did you find that out?

A. By reading the topography of the region on the map I understood that that area was on a slope open to the enemy's positions.

Q. I thought you said you didn't know the enemy's positions on the island. Yesterday you said you didn't know where the enemy forces were?

A. Yes, the enemy positions were not known at all.

Q. Why should that side have been any more open than the other side? You might have been fired upon from Mount Parker.

A. When the disembarkation was effected we knew that strong enemy artillery positions were at Victoria Peak.

Q. How did you get that information?

A. We knew that there were fortifications at Victoria Peak and also at Lyemun.

Q. You mean Lyemun on the island?

A. Yes.

Q. What other information did you gather about the enemy?

A. We also heard that there were many pill-boxes on the coast.

Q. By following the route that you did, they of course would have been exposed to fire from Lyemun, isn't that so?

A. The Doi and Shoji units at first advanced southward but as later they split their column facing eastward so I thought there was no more danger of receiving enemy attacks from the east.

Q. They received fire from Lyemun when they first advanced, is that what you mean?

A. On the first occasion in the night when we disembarked we received heavy shelling. We didn't know from where it came.

Q. Then what decided you to send your Butai on that particular road?

A. The course for various units to proceed were not shown by the right flank force commander. Each unit had chosen its own course of march to its objective.

Q. I am at a loss, General, to understand why you were in this battle at all. Did you have any power of command over that force in the beginning?

A. Yes, it goes without saying that I had power to command. I assigned the duty of the regimental commanders under my command, the duties that were given to me by the divisional commander. The regimental commanders had the duty to execute their assigned duties. The regimental commanders carried out

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (Contd)

A. (Contd): Their activities in the operation according to the duties assigned to them by me, and the right flank force commander did not interfere with every and each movement of the regimental commanders.

Q. So I take it that right from the point of embarkation you did not tell them which road to take, is that right?

A. I did not say that. For the first line unit properly made roads were not the only courses of march to be followed.

Q. What I want to know is what your appreciation of the situation was. You know what I mean? I want you to give me all the factors affecting the plan which made you send your Butai on that particular road?

A. While the area of operation and objective were given to the units under my command, both the Doi and Shoji units took the course of their march which seemed to be the most effective and most convenient to fulfill their assigned duties.

Q. So it was left to them to take which road they took to their objectives?

A. Yes, so long as their movements were restricted to within their assigned area of operation I did not interfere.

Q. How did you yourself move, on foot, in a car, motor-cycle or what?

A. On foot,

Q. Did you just move with your headquarters?

A. Yes, together with the right flank force headquarters.

Q. That consisted of five men, is that right?

A. All personnel were together.

Q. Five?

A. I think there were nearly 30.

Q. That was more than the infantry group commander, then?

A. The infantry group headquarters had, I think, round 30 or 20.

Q. And you had your infantry group headquarters with you at that time, did you?

A. The infantry group headquarters at that time had been turned into the headquarters of the right flank force. I took this along with me.

Q. You did not let Tanaka have any of these people? You took the complete headquarters with you, is that right? Or shall I say that Tanaka commanded his force from his own regimental headquarters?

A. Yes, the left flank force had no concern with me.

Q. Tanaka could not have a headquarters of 30 men, could he?

A. Tanaka's regimental headquarters had about 150 personnel. I think the number was around 150 at that time at the regimental headquarters.

Q. The regimental headquarters had more personnel than the infantry group headquarters, is that what you are trying to tell us? An infantry group consisting of three regiments had less personnel at its headquarters than a regimental headquarters of one regiment, is that right?

A. Yes, extensively less.

Q. How far from your rear troops were you? That is after the

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CROSS-EXAMINATION OF D.W. NO. 1 - LT. - GEN. ITO TAKEO (Contd).

Q. (Contd): disembarkation when they advanced southward?

A. Which particular date are you referring to. According to the date the distance varied between the Shoji and Doi units.

Q. It struck me, as you did not get any information from them on the 20th, that you were rather a long way behind. Is there any reason for that?

A. As I have already stated in my earlier evidence at the time of disembarkation the position of the Shoji unit could not be easily located so I had to stay at Point A.

Q. You did not keep them informed where your headquarters was, did you, when they advanced southward?

A. I received officers for the purpose of liaison from each regiment.

Q. They did not give you any information till the 20th?

A. No.

Q. They were not doing their job very well, were they?

A. The Shoji unit after disembarkation was thrown into great confusion and ever since its location was not known and naturally such outcome could not be avoided.

Q. What about the Doi unit?

A. As to the location of the Doi unit, I for my part sent forth reconnaissance party to ascertain their location. If the location of the Shoji unit could also be ascertained earlier I wished to have departed even on the 19th.

Q. Did you tell the Butai commanders which route you were taking?

A. I think I had my route shown to them.

Q. When did you show them?

A. I think that was worded in my right flank force HQ order.

Q. Before you embarked?

A. I think I had indicated that the HQ right flank force would follow in the rear of the Doi unit.

Q. When did you come to Hongkong again after the surrender of the Japanese?

A. I was summoned here on May 30 last year.

Q. Did you know why?

A. I was examined in Tokyo and a statement was taken from me and I heard that Shoji and Tanaka, regimental commanders, were being held here in Hongkong for being involved in war crimes. I thought that I was to be summoned in their connection or as witness for war crimes trials.

Q. What did you say in that statement which you made in Tokyo?

A. I was examined about my movements during the operation and a statement was made along this line. The contents were what I have been explaining in the Court, using the map.

Q. Did you talk about right and left forces then?

A. I think that topic was not brought up.

Q. Why didn't you bring that topic up?

A. On the occasion of the examination, both at Tokyo and also here, I thought I was allowed only to give answers to what I was questioned and nothing else.

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CROSS-EXAMINATION OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (cont.):

Q. And the answer you gave in Hongkong was that you took part in the assault on Hongkong and at that time you were the commander of the 38th infantry group and you went on to say that the 38th infantry group consisted of the 228th, 229th and the 230th regiments under Cols. Doi, Shoji and Tanaka, and you proceeded to give the landing places of all three regiments, didn't you. And you did not mention anything about right and left flank forces?

A. I was asked what was my position so I answered. I was the 38th infantry group commander. Then, the next question was: What was the constitution of the 38th infantry group, so I said infantry 228th, 229th and 230th regiments constituted the infantry group. The next question asked: Where were the landing places to be and how were the landing operations carried out, so I answered all I knew. At that time I knew nothing about the war crimes trials in Hongkong, how the trials and on what topics the trials were being held, I merely answered what I was asked.

Q. You had no idea that Tanaka's troops were involved in any crimes, had you?

A. I heard about it after I came here.

Q. After you made a statement?

A. Yes, immediately after I came here.

Q. After you made a statement?

A. Before.

Q. You spoke to Gen. Tanaka since you had been here?

A. Yes.

Q. On several occasions?

A. I think we were together for about a month but we were separated, one being on the upper floor and the other on the lower floor, and we were not free to converse with each other.

Q. You got things pretty well worked out during that month, didn't you?

A. At that time I did not even expect that I was going to be accused for any crime, and now in the Court I am merely telling the facts of which I know. I am not in any way trying to concoct anything in the Court, or even at that time I had no intention of doing it. There was no necessity of arranging anything with him in any particular way.

President: This statement you are referring to, this is not the statement put into the Court as an exhibit?

Prosecutor: Yes, Sir.

President: It is the same statement you are referring to?

Prosecutor: Yes, Sir.

A(cont.): By statement, ^{the} one made to the interrogating officer?

Q. Yes. I asked you whether you made a statement?

A. The statement was taken before the captain who appeared before the Court the other day at Stanley Gaol. I think what I answered then was made into the statement produced here.

Prosecutor: No further questions, Sir.

Re-examination Declined.

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QUESTIONS BY COURT OF D.W.NO.1 - LT-GEN. ITO TAKEO (Accused):

President: In your evidence you have defined the boundary between the right and left forces. Will you define the right boundary of the right force?

Accused Ito Takeo: Yes, Sir. First the boundary line of the Shoji and Doi units were a line which connected Jardine's Lookout, Mt. Nicholson, Mt. Cameron and the point in between Mt. Gough and Mt. Kellett. The peaks of these mountains belonged to the Doi unit.

Q. That, I take it, is the right flank of the Doi unit and the left flank of the Shoji unit?

A. In short, facing the enemy, the left side was the Doi unit and the right side the Shoji unit.

Q. Yes, I understand that. Will you put the question I asked just now and ask him to answer it?

A. It does not necessarily mean that the two units followed side by side closely along the line, but this line shows the boundary of their responsibilities.

Q. Yes, so that the boundary is the left boundary of the Shoji unit?

A. Yes.

Q. Now, will you define the right flank of the Shoji unit?

A. The towns area was taken care of by the city mopping-up party and the boundary line ran along the foot of hills.

Q. What instructions did the Shoji unit have regarding its right flank?

A. I ordered not to advance any man into the city area, with the exception that a portion of the unit was to be left behind near the disembarkation place in order to cover the disembarkation operation.

Q. Is that the only order you gave regarding the right flank of the Shoji Butai?

A. Yes, that's all, nothing was mentioned of the city area.

Q. What did you mean him to understand by that instruction?

A. The fighting in the city area I thought would cause great confusion, not only to the enemy but to our side also, and the times used and injuries suffered by the Army and also by the civilians would be of no small amount. From the standpoint of manipulation of troops and strategical viewpoint and also from the point of the welfare of the inhabitants it was inadvisable to march any troops into the town area, so I gave that instruction. From my viewpoint I had thought that by completing occupation of the Wongneichong Gap area by the Japanese forces, the Hongkong operation would automatically come to its end.

Q. What did you define as the city area or town area?

A. Do you mean the district where my troops were not to enter.

Q. Yes.

A. I did not show any particular area using the map, I said in general terms the towns area and also any civilian houses that were around. They were not to enter such houses.

Q. Shoji was to use his own discretion in that case, was he?

A. If Shoji had advanced his troops into the towns area, his movements would be a violation of my order. I for my part, for a week after disembarkation and until the cessation of the

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QUESTIONS BY COURT OF D.W.NO.1 - LT.-GEN. ITO TAKEO (cont.):

A(cont.): fighting, I did not enter into any civilian house even once.

Q. You are talking about yourself personally?

A. Yes.

Q. Then, I take it, that apart from the town area, the north coast of the Island is the right flank of the Shoji Butai?

A. From mere rational reasoning places like the beach where the waters washed by may come within the area, but when I gave my order I treated these regions as a part of the town area.

Q. Did you consider that Happy Valley was a town area?

A. All districts where any houses were standing were indicated as a town area.

Q. Do you know whether the Shoji Butai went into Happy Valley?

A. Until the 21st, the Shoji unit had been taking shelter at Wongneichong Gap area. From the 22nd this unit turned into the offensive in spite of fatigue, exhaustion and injuries to men, along the foot of the hills. Under these circumstances I cannot think that any of the Shoji men could have gone into any houses in Happy Valley area.

Q. Is it possible that they went through Happy Valley area on their way up to Wongneichong Gap?

A. If the Shoji unit had gone into the town area that must have been a detour - round-about-way - it was impossible for them to reach Wongneichong Gap area by the 19th. I think they must have gone along the foot of the hills.

Q. From what direction did the right flank force attack Mt. Nicholson?

A. Westward from the direction of the Wongneichong Gap area.

Q. That is, they proceeded up the eastern slope of Mt. Nicholson?

A. There is an automobile road running on the slope of the mountain. I think the Shoji unit proceeded between the peak of Mt. Nicholson and this automobile road.

Q. I am afraid I do not understand that explanation. Will you make it a bit more clear?

A. I cannot be too accurate of the course taken by the Shoji unit because I was not on the spot together with them, but as far as I can think, the Shoji unit moved in the area on the northern slope from the peak of Mt. Nicholson between the automobile road.

Q. In your evidence you said that one company of the right flank force entered the town area. What regiment did that company come from?

A. That was the anti-tank company. It is not that the company entered actually into the town area. This company had occupied a position near the disembarkation place and took the duty of covering the disembarkation operation.

Q. You said that company was completely annihilated. Where was it annihilated?

A. At the place of their advance position.

Q. And where was that?

A. I don't know the place myself either, but the report said it was near the disembarkation place.

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QUESTIONS BY COURT OF D.W. NO. 1 - LT.-GEN. ITO TAKEO (cont.):

Q. That would be near North Point?
 A. I did not know the exact position, but reading the map, I imagine it might have been at this place (indicates on map).

President: It is map reference 586 985. Does Defence agree to that map reference?

Defence Counsel: Yes, Sir.

A(cont.): I can only say that is the position I can think of.

Q. Can you tell me the date on which the town mopping-up party went into action?

A. I think either the 19th or the 20th, I am not sure.

President: Are there any points arising from questions by the Court by the Prosecutor?

Prosecutor: No questions, Sir.

Defence Counsel: No questions, Sir.

President: Witness can stand down.

President: Have you any other witness at the moment?

Defence Counsel: Yes, Sir, one is ready, but I may take some time with him.

President: Have your other two witnesses arrived from Japan?

Advisory Officer: Yes, Sir, they arrived this afternoon.

President: In that case, the Court will adjourn until 10 o'clock to-morrow morning.

ADJOURNMENT.

At 1605 hours the Court adjourned until 1000 hours on Friday, January 30, 1948.

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Lieut-Col. Marriot.

Trial of:

Lieut-Colon. J. L. L. L.

11th Reg.

1914, 1915, 1916, 1917, 1918.

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NO. 7 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
FRIDAY, January 30, 1948.

11TH DAY'S Proceedings in the Trial of:
Lt-Gen. ITO TAKEO, of the Imperial
Japanese Army.

At 1005 hours on Friday, January 30, 1948, the Court
re-assembles pursuant to adjournment. Present: The same
members as at adjournment on Thursday, January 29, 1948.

President: Will you call your next witness?
Defence Counsel: I wish to call Col. Matsumoto Shoji, Sir.

D.W. No.2 - COL. MATSUMOTO SHOJI.

Witness is affirmed.

EXAMINATION OF WITNESS:

Defence Counsel: State your name, age, rank and
nationality?

Witness: Matsumoto Shoji, 53, ex-Colonel of the Army,
Japanese.

Q. Where were you during December, 1941?

A. I participated in the Hongkong operation.

Q. What was your appointment during the operation on the
Hongkong Island?

A. I was under Gen. Ito as his senior adjutant under the
38th division.

Q. Is Maj.-Gen. Ito in this Court?

A. Yes, he is seated there (points to dock).

Q. What was the approximate strength of the Japanese Army
that participated in the attack?

A. About 20,000.

Q. Who was the 38th divisional commander?

A. Lt.-Gen. Sano Takeyoshi.

Q. During the operation on Hongkong Island where was the
divisional commander Sano?

A. He was at a place near North Point.

Q. Please enumerate the operational organisation of the 38th
division during the Hongkong Island operation?

A. Under Lt.-Gen. Sano's command there were the right flank
force, the left flank force, the Kowloon garrison consisting
of one battalion, the divisional reserve force consisting of
two battalions, later it was turned to be the Stanley assault
force, the straits-crossing unit of the independent engineer
regiment, later it became the town area mopping-up party, the

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EXAMINATION OF D.W.NO. 2 - COL. MATSUMOTO SHOJI (cont.):

A(cont.): right artillery group, the left artillery group, the divisional signal corps, the divisional medical corps, the divisional supply corps.

Q. Who was the commander of the right flank force?
A. Major-Gen. Ito.

Q. The left flank force?
A. Major-Gen. Tanaka.

Q. Please enumerate the various units under the command of the Commander of the right flank force, Maj.-Gen. Ito, and state the strength?

A. Two battalions of Shoji unit, two battalions of the Doi unit, approximately 5,000.

Q. Did all of the Shoji unit advance after landing?
A. Please repeat.

Q. Did all of the Shoji unit advance after they had landed at the landing point?

A. The Shoji unit left one company at the right to assist the landing operation and the remaining forces proceeded to advance along the hill.

Q. Are you able to point the place where this company remained?

Defence Counsel: May I supply the witness with a map, Sir?

President: Yes.

A. I think it is this position (points to a location on the map).

President: What is the map reference of that?
Monitor: 589 994.

Q. What happened to the company that was left at this position?
A. I heard that soon after they were wiped out by the enemy.

Q. Are you able to tell the Court the approximate time when it happened?

A. I don't know about it in detail, but I think it was soon after the landing.

Q. Who fixed the battle area of the left flank force and the right flank force?

A. When the divisional operation was issued, the divisional commander announced the operational organisations and made clear to the unit commanders of the battle area.

Q. State the relation between Maj.-Gen. Ito, the right flank commander and the commanding officer of the left flank force?

A. Both of them received orders directly from the divisional commander and their battle areas were shown to them by the divisional commander and therefore they were to proceed with their operations independently. The left flank force were to face the enemy force in front of them and the right flank force were to face their enemy against them.

Q. What was the relation between Maj.-Gen. Ito and the town mopping-up party?

A. Maj.-Gen. Ito, the right flank force commander and the

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EXAMINATION OF D.W. NO. 2 - COL. MATSUMOTO SHOJI (cont.):

A(cont.): commanding officer of the street area mopping-up unit were receiving orders directly from the divisional commander and they had no relation between each other.

Q. Then what about the relation with the Stanley assault party?

A. The Stanley assault party was also under the direct command of the divisional commander and similarly had no relation with Maj.-Gen. Ito, the right flank commander.

Q. How and from what was the town area mopping-up party organised?

A. It consisted of a part of the independent engineer corps and the gendarmerie force assisted them also.

Q. What about the Stanley assault force?

A. It consisted of two battalions which landed on the Island as the divisional reserve force and were assigned for that purpose by the direct command of the divisional commander.

Q. At the time when the HQ of the right flank force landed on the Island what was going on with the Doi and the Shoji Butais?

A. We endeavoured to contact the two Butais but they were on their way of advancing and we were unable to contact them.

Q. When was it when the right flank force HQ succeeded in contacting the two Butais?

A. On the night of the 19th, by the report received from the officer who was assigned for reconnaissance, we were able to know of the position of the Doi Butai. When the right flank force HQ moved up to a position about two kilometres east of Wongneichong and just west of the reservoir we were able to get direct contact with the Doi Butai, but throughout the 19th we were unable to obtain any contact with the Shoji Butai, but on the night of the 20th the regimental adjutant of the Shoji Butai came to the HQ to make contact, and it was then that we were able to know about them.

President: Just west of what reservoir?

Defence Counsel: Perhaps the witness can show it on the map, Sir.

Witness: Around here.

President: That would be the Tytam Reservoir?

Witness: I think it was a pond, but I cannot remember. We were, any way, west of a place which we had the impression was a reservoir.

President: 700 or 800 metres west of Tytam Reservoir, would that be correct?

Witness: I think it is correct, Sir.

Defence Counsel: May the map reference of the position be recorded, Sir?

Monitor (reading from map): 599 958.

President: Will you explain what that reference refers to?

Defence Counsel: This is the point the witness indicated on the map just now, Sir.

President: As what?

Defence Counsel: As a point the HQ advanced to.

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EXAMINATION OF D.W. NO. 2 - COL. MATSUMOTO SHOJI (cont.):

Q. Will you state briefly the activities of the HQ prior to the time it managed to contact the two Butais under its command?

A. After landing, throughout the 19th we were near the landing point trying to contact the Shoji Butai during the whole day, but as we were not successful, from about mid-day on the 20th we commenced to advance.

Q. What was the situation in respect of communication between the Doi and the Shoji Butais with HQ?

A. By means of telephone and by messenger.

Q. Did the operation on the Hongkong Island go on as scheduled and within the fixed battle area?

A. The right flank force advanced within the area allotted to the right flank force, but the left flank force came into the area of the right flank force and at positions at Wongneichong Gap and at Stanley Gap there were many other units that came also.

Q. Where do you mean when you said the left flank force entered the battle area of the right flank force?

A. I think they entered the Stanley Gap area.

Q. What was the reason that many other units came into Stanley Gap area?

A. It was because that place was of some importance from the strategic point of view and also in over-running places around that area it was difficult to pass that position, therefore I think all the units concentrated there.

Q. When and to which place did the artillery units advance?

A. After the landing, by the 19th the advance party had been advancing forward and by the 20th the main force had already positioned their forces at the east side of Happy Valley.

Q. How was the chain of command of the artillery unit?

A. It was under the direct command of the divisional commander.

Q. Will you please explain about the uniform worn by the Japanese soldiers engaged in the attack on Hongkong Island?

A. All officers and men of the Japanese Army wore the same uniform, wearing steel helmets and also their camouflage nets with their puttees on, and even those that were not infantry had rifles with them for their protection purpose. Some units, even officers had their officers' insignia off and during the night time camouflage nets were not necessary and therefore they were removed.

Q. Could one tell just by a glance to which branch of the Japanese Army a soldier belonged?

A. Even us by a glance we could not tell to which unit a soldier belonged.

Q. Was there any reason for doing this?

A. It was done not to let the enemy know what kind of forces that the soldiers belonged to and for the purpose of counter-espionage.

Q. During the operation on the Hongkong Island what was done to the POWs?

A. It was made known to me by the divisional daily report that at North Point there was a temporary POW camp and at a place east of Wongneichong Gap there was a concentration place of POWs and both these places were to be under the direct management of the divisional HQ, and the first line regiments were

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EXAMINATION OF D.W. NO. 2 - COL. MATSUMOTO SHOJI (cont.):

A(cont.): to send prisoners to these places directly to the divisional HQ.

Q. Prior to the commencement of the operation on the Hongkong Island, did Maj.-Gen. Ito issue any instructions or orders?

A. I remember he said the following to the two regimental commanders of the right flank force: He said that the operation on Hongkong Island is the prelude of the Greater East Asia War and therefore all powers of all nations would be watching us carefully and in the Hongkong Island there still were more than 1,000,000 inhabitants remaining and amongst them were noted personalities and therefore all units must strictly maintain military discipline and keep up the morale of the Army, and observe closely the laws of land warfare. Secondly, he said, fighting should be done on the hillside, street areas should not be entered and civilian residences should not be disturbed and soldiers should not enter.

Q. What is the original appointment of Maj.-Gen. Ito?

A. Commanding Officer of the 38th infantry group of the 38th division.

Q. Then what was the relation between the positions held by Maj.-Gen. Ito, that is, the position of the commanding officer of the 38th and the Commanding Officer of the right flank force?

A. When an order on operational organisation is issued by the divisional commander, the normal organisation would temporarily be suspended, therefore during the operation on the Hongkong Island, after Maj.-Gen. Ito was ordered to be the Commanding officer of the right flank force, he ceased to be the commanding officer of the infantry group. Therefore he issues orders only to the Doi and the Shoji Butais that were under his command and he does not issue orders to other units, that is, he does not perform any more duties of the infantry group commander, therefore orders issued by him were the right flank orders and his signature on them was Maj.-Gen. Ito, commanding officer of the right flank force.

Q. What happened to the organisation of the infantry group in the Japanese Army?

A. Please repeat.

Q. What happened to the organisation of the infantry group of the Japanese Army?

A. Probably due to the fact that the infantry group merely acted as an intermediate between the division and the regiment and it had no value in itself, it was abolished since July 1944.

Defence Counsel: I conclude my examination-in-chief, Sir.

CROSS-EXAMINATION BY PROSECUTOR:

Prosecutor: What date did you say you became adjutant to Gen. Ito?

Witness: Do you mean when I became the adjutant to him on the Hongkong Island operation.

Q. That's right.

A. It was much before that I was appointed adjutant and I was adjutant prior to the appointment of Maj.-Gen. Ito's, and I think Maj.-Gen. Ito was appointed in September, 1941.

Q. Then you were adjutant of the 38th infantry group then?

A. No, during the Hongkong Island operation itself I was the adjutant of the right flank force.

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CROSS-EXAMINATION OF D.W.NO.2 - COL. MATSUMOTO SHOJI (cont.):

Q. Just before the operation you were adjutant of the 38th infantry unit, weren't you?

A. That's right, Sir.

Q. And on the attack on the Hongkong Island you took the same HQ and its personnel with you, the same HQ you had at the 38th infantry group which took part in the attack on Hongkong, and it was called the right flank force?

A. The normal organisation was smaller and during the operation reinforcements had been made, therefore there were some extra officers.

Q. But you took the same HQ, did you not, that formerly comprised the 38th Infantry Group HQ?

A. That's right.

Q. Why did you have reinforcements of that HQ if it was a smaller unit?

A. In participating in an operation the normal organisation of the Infantry Group HQ would not be able to function its duties and therefore reinforcements were necessary.

Q. Did you ever see any of the enemy troops yourself?

A. Though I heard lots of shooting I did not see any of the enemy actually.

Q. What sort of shooting did you hear? Small-arms fire or artillery?

A. Gun-fire and rifle shots also.

Q. When did you first hear the rifle shots?

A. On the night of the 18th, at the landing.

Q. Did you hear any after that?

A. Since then all the way through.

Q. Did you see any British or Allied prisoners?

A. No.

Q. I understand you had no information about the enemy troops prior to this attack?

A. No.

Q. Did the ambulance units carry rifles?

A. Yes.

Q. I thought they were non-combatants?

A. They were made to carry rifles for self-protection purposes.

Q. What were the duties of the ambulance unit?

A. To take care of wounded ones.

Q. Were their duties to attack fortified positions with rifle and bayonet?

A. No, it is not included in their duty.

Q. What is the duty of a smoke unit?

A. Their duties and usages were to produce smoke and blind the enemy's view and make advance.

Q. Did you have to use any smoke units in this attack?

A. I do not know. I am not aware whether it was used or not.

Q. Did you yourself come into contact with Tanaka's troops in the Wongneichong Gap area?

A. I did not come across myself but I knew that there was a liaison officer from their Butai.

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CROSS-EXAMINATION OF D.W. NO. 2 - COL. MATSUMOTO SHOJI (Contd).

Q. Did you meet him?

A. He came to see the right flank commander and as I was together with my commander I saw him.

Q. And did you see the adjutant of the Shoji Butai on the 20th December?

A. The regimental adjutant of the Shoji Butai came and made a report on the night of the 20th and therefore I saw him.

Q. Did he made a report to you?

A. He made a report to the right flank commander.

Q. Directly?

A. Directly.

Q. What were your duties exactly?

A. To avail assistance to the Commanding Officer of the right flank force such as taking down in writing orders issued by him and making communications.

Q. Were you the senior staff officer to him?

A. No, the adjutant.

Q. I thought you said you were the senior adjutant just now?

A. Senior adjutant. There was another adjutant under me.

Q. You were the senior staff officer?

A. I was the senior adjutant and under me there was a lieutenant who was also an adjutant.

Q. Was there any officer senior to you at the HQ?

A. Yes.

Q. And was that General Ito?

A. That's right.

Q. And you were the next in command?

A. That's right.

Q. How many other officers were there, can you tell us?

A. Besides myself there was another adjutant as I mentioned just now, the officer in charge of communications and the officer in charge of signals. That's all.

Q. Four officers?

A. Yes.

Q. Who were the rest made up of?

A. Four or five NCOs.

Q. That's about ten. And were the other twenty private soldiers?

A. They were soldiers.

Q. What were their duties -- clerical or defence?

A. All the NCOs had clerical duties and the privates were to carry things or act as batmen to the officers.

Q. Did you have any troops used for the defence of the HQ?

A. No, we did not have.

Q. Did you have any special conventional sign used to denote your HQ when using a map?

A. Yes, there were marks used in the Army.

Q. Did you have one for your HQ?

A. Yes, we used.

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CROSS-EXAMINATION OF D.W. NO. 2 - COL. MATSUMOTO SHOJI (Contd).

Q. Could you write it down for me? To make it clear I am not referring to the conventional sign of explaining the position of a HQ on a map or sketch. I am talking about the ~~the~~ HQ you were with in the battle of the Island of Hongkong.

Witness writes a sign on a piece of paper.

A. This is the sign.

Q. This is the same as an infantry group sign, isn't it?
A. No, it usually denotes a major-general's rank.

Q. So the sign in itself only denotes rank and not HQ, is that right?

A. This is the mark used to denote HQ commanded by a ^{major} general. In the case of the Divisional HQ they had some other marks. This is not used by any regulation but even during normal times this mark is used in studying strategy.

Q. Had you any other signs to denote HQ under the regulations?

A. No.

Prosecutor: Can I produce that as an exhibit please, sir?

The piece of paper containing the sign is handed to the Court.

President: Can you say what the mark on this paper denotes?

Witness: It usually indicates the position of a major-general where he is taking command.

Prosecutor: No further questions, sir.

The drawing of a mark usually denoting the location of a major-general taken into Court, marked Exhibit "KK," and signed by the President.

Re-examination declined.

QUESTIONS BY THE COURT.

Q. What was ~~your~~ your rank at the time of the operation on Hongkong in 1941?

A. Lieutenant-colonel.

Q. Can you give any reason why an infantry group which, according to the evidence we have heard in this case, appeared to have been useless was retained in the Japanese Army till July, 1944?

A. I do not know.

Q. Have you no opinion at all?

A. I think since it was of little value it gradually became abolished. As I heard it, it was not abolished at once altogether but little by little it was abolished.

Q. You said in your evidence that by the 20th December the forces were positioned at the east side of Happy Valley. What forces were there?

A. Artillery.

Q. Will you indicate on the map where the POW concentration point was east of Wongneichong Gap?

A. As I did not see the place I am not aware of that actual place.

Q. How did you know it was there?

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QUESTIONS BY THE COURT OF D.W. NO. 2 - COL. MATSUMOTO SHOJI (Ctd)

A. It was made known to me as I said a while ago by the Divisional daily orders.

President: Any points arising from the Court's questions?
Defence Counsel: No, sir.

President: Major Ormsby?
Prosecutor: No, sir.

President: The witness may stand down.

President: Will you call your next witness?

D.W. NO. 3 - SGT-MAJ. ISHIYAMA KAKUI

The Witness takes a solemn affirmation.

QUESTIONS BY THE DEFENCE COUNSEL.

Q. State your name, age, rank and nationality.

A. Name, Ishiyama Kakui, age, 31, rank, Gendarmerie Sergeant-Major, nationality, Japanese.

Q. In December, 1941, to which unit did you belong to and where were you?

A. I was attached to the No. 8 Company of the Army Gendarmerie and participated in the attack of Hongkong.

Q. State your activity and movements during the operations on Hongkong Island?

A. After reaching Kowloon I was taken ill and therefore was admitted into hospital, but the No. 8 Company which I belonged to landed on Hongkong Island early on the morning of the 19th December and advanced into the town area.

Q. Are you familiar with the progress of fighting on Hongkong Island?

A. Yes, I am quite familiar with the progress and situation of the fighting in the town area of Hongkong Island.

Q. Why do you know of it?

A. After the cessation of hostilities I drafted out a record of the Kempeitai activities in the operations on Hongkong Island and in April, 1942, at the Gendarmerie training school in Tokyo I compiled data and material to be used for lecturing on the subject of the part taken by the kempeis in the attack on Hongkong Island and also for the purpose of preparation for myself to sit for examination to be an officer. I inspected the various places concerned three times for closer study of strategy.

Q. During the Hongkong Island operations do you know of any troops that operated in the town area?

A. Yes.

Q. What kind of unit did this party consist of?

A. A part of the independent engineer regiment was engaged in the operations in the town area and it was under the direct command of the Divisional HQ. It was named the town area mopping-up unit.

Q. What was the approximate strength of this unit?

A. I was told it was around 300.

Q. How was the chain of command of the town area mopping-up unit?

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EXAMINATION OF D.W. NO. 3 - SGT MAJ. ISEIYAMA KAKUI (Contd).

A. It was under the direct command of the Divisional Commander.

Q. From when did the town area mopping-up unit commence operations?

A. From before dawn on the 19th.

Q. Mainly on which part of the Island were they engaged in the operations?

A. The position where the town area mopping-up unit commenced operations was from North Point.

Q. And then?

A. And by the time when the peace mission from the British side came on the 25th the unit had advanced to the line along the western side of Happy Valley, that is, to Leighton Hill Road and Tin Lok Lane.

Q. Are you able to point the position out to the Court now?

A. Yes.

A map is placed before the witness.

A (Contd): This is the starting position (589 996). The line held on the 25th at the cessation of the hostilities was this (the road parallel to 573 running north along the Race Course).

President: The road bounding the north-west end of the Race Course?

Witness: Yes, and the line was extended right out to the tram-lines.

President: Where did it start?

Witness: Junction of Gap Road (572 977) and the end of Tin Lok Lane (572 981).

Q. Besides the town area mopping-up unit, were there any other units that operated in the town area?

A. The main force of the Army Gendarmerie, the 8th Gendarmerie Company and a part of the Kutajima heavy artillery group.

Q. What was their approximate strength?

A. Altogether approximately 500.

Q. Do you know Happy Valley?

A. Yes.

Q. Will you indicate it to the Court on the map?

A. This is the area called Happy Valley.

President: The area marked "Wongneichong Valley" on the map?

Witness: That's right.

Q. During the operations on Hongkong Island do you know of any units that operated in the Happy Valley area?

A. I heard only that the units that entered the Happy Valley area was only the town area mopping-up unit, but I also know that there were other units at positions on hills around the Happy Valley area.

Q. By these units which units do you mean?

A. At the eastern end of Happy Valley was stationed the main force of the Divisional artillery group.

Q. Have you ever been there?

A. During the operations I did not go there, but after the cessation of the operations I had been there around the Wongneichong area several times and so I know of the place.

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EXAMINATION OF D.W. NO. 3 - SGT-MAJ. ISHIYAMA KAKUI (Contd).

Q. When abouts was it that you went?

A. I went there on many occasions during my stay in Hongkong. I was there about five or six times.

Q. When was the first occasion?

A. I don't understand.

Q. When was the first time that you went to the position where this unit was positioned?

A. I think it was on the 31st December of that year.

Q. At that time was there still the position of the artillery remaining?

A. Immediately after the cessation of the hostilities the artillery unit that was positioned at the east end of Happy Valley moved down into the Valley and camped there in a civilian house.

Q. Do you know Major-General Ito?

A. I know him.

Q. State briefly why you know him?

A. Prior to the outbreak of the hostilities on Hongkong I was performing my duties at Chungshan district, Kwangtung Province. During that time General Ito was Officer Commanding the garrison there so I had been to his HQ on several occasions for communication purposes. Therefore I know him.

Defence Counsel: I have concluded my examination-in-chief.

CROSS-EXAMINATION BY THE PROSECUTOR.

Q. When did you leave the hospital?

A. I remember it was on 30th December.

Q. All this information you are giving us is purely hearsay, isn't it?

A. I carried out inspections of actual spots.

Q. After it was all finished?

A. After the cessation of the operations I went to inspect the various places and therefore I have confidence that I knew the various situations better and more than those who were actually engaged in.

Q. Who told you to carry out this investigation?

A. My Commanding Officer, Capt Ushiyama.

Q. When did he tell you to do that?

A. The first occasion was in January. The second in March.

Q. 1942?

A. Yes.

Q. So he told you to carry out investigations after you had already carried out investigations?

A. In order to compile the record of the whole situation I had to know all the details. I had to know of all data and material first and then I went to carry out my inspections.

Q. When were ^{you} told to carry out the inspections? You told us you went on the 30th. Were you told to go before that?

A. The event when I went to Happy Valley for investigations and the events afterwards had no connection. I went to Happy Valley for inspection for other purposes.

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CROSS-EXAMINATION OF D.W. NO. 3 - SGT-MAJ. ISHIYAMA KAKUI (Contd)

Q. What other purposes?

A. I was told that up in Blue Pool Road there lived an ex-Chinese general called Hui Sung-chi and I went to visit him.

Q. Do you know what route the independent engineers took from North Point?

A. Yes.

Q. That was hearsay. You only heard that they had taken a certain route?

A. For the purpose of investigations for the record I passed the same route that the independent engineer corps took.

Q. You only heard they had taken that route? You only heard. You were not there, were you?

A. I was guided by the report of the combat record.

Q. Are you aware that a company of the Shoji Butai was wiped out in that area?

A. There is a power plant in North Point and near that place as far as I know a company of the Shoji Butai was wiped out.

Q. Was that after this engineer unit had passed or before it?

A. The advance was commenced after that Company of the Shoji unit was wiped out.

Q. I thought it was part of the Divisional plan to keep off the town area -- that it was not necessary? Did you know that?

A. I was not aware of such detail.

Q. You were not at the Divisional Commander's orders conference were you?

A. I was not.

Q. You did not know what the plans were in the attack on Hongkong before it actually took place, did you?

A. I was not aware.

Prosecutor: No further questions, sir.

Re-examination declined.

QUESTIONS BY THE COURT.

Q. Do you know the Jockey Club on the Race Course? Happy Valley?

A. You mean the white building?

Q. Yes.

A. Yes.

Q. Did the mopping-up force operate at the Jockey Club?

A. That advance was commenced from the night of the 24th and by the 25th the mopping-up unit had already reached that line. Therefore naturally that building came under the search area of that unit.

Q. And what was the date when they entered that building?

A. At the latest they must have reached that place by the morning of the 25th.

Q. Do you know the populated area -- the town area -- south of the Race Course?

A. Yes.

Q. Do you know the part of Blue Pool Road that runs by that town area?

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QUESTIONS BY THE COURT OF D.W. NO. 3 - SGT-MAJ. ISHIYAMA KAKUI
(Contd).

A. Yes.

Q. Did the mopping-up force operate there?

A. I did not hear that the unit went to that part.

Q. Did you hear whether any unit went to that part?

A. That special place was passed by the artillery unit. From what I saw after the operations had ceased that area was being camped by the artillery unit.

Q. Do you know the date on which the artillery unit was adjacent to that place?

A. May I do my explanation with the map?

Q. Yes.

A. After the landing of the artillery unit this whole area with the Jardine's Lookout as its centre was the activity of its main force.

Q. Extending how far west from Jardine's Lookout?

A. The course of the contour of this place I cannot tell exactly which but I can only say it was around here.

Q. As far as where ^{it} is marked "cemetery" on the map?

A. This area is included.

Q. Would it include this built-up area south of the Race Course?

A. I did not hear that there were artillery positions in this area. After the cessation of the fighting I was told that the units around here went into the Valley.

Q. From what date did this force occupy the area you have just described?

A. Between the 19th and 22nd and by the end of the 19th they had already completed the line here for preparation of the attack.

Q. Were any other troops except the artillery group in this area that you know?

A. Besides the artillery group I only know of the Shoji Butai that was in the Wongneichong Gap.

President: Are there any questions arising from the Court's questions?

Defence Counsel: No, sir.

President: Major Ormsby?

Prosecutor: No, sir.

President: The witness may stand down.

President: The Court will adjourn until 2.15 this afternoon.

ADJOURNMENT

At 1230 hours the Court adjourned until 1415 hours.

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RESUMPTION

At 1420 hours the Court re-assembled pursuant to adjournment, the same members as at adjournment being present.

D.W. NO. 4 - TOSAKA SUSUMI

Witness is affirmed.

EXAMINATION BY DEFENCE COUNSEL:

Q. Please state your name, age, rank and nationality.

A. Tosaka Susumi, 42, Colonel, Japanese.

Q. Where were you during December, 1941?

A. After the capture of the Kowloon Peninsula I participated in the attack on Hongkong Island.

Q. What was your appointment at that time?

A. I was staff officer of the 38th Division.

Q. Who was the divisional commander of the 38th division?

A. He was Lieut-Gen. Sano Takeyoshi.

Q. During the operation on Hongkong Island where was Divisional Commander Sano?

A. At noon on December 19 he was at a place round North Point.

Q. Was the Divisional Commander positioned at this place throughout the operation?

A. He stayed there throughout.

Q. Where were you?

A. I was at Divisional Headquarters.

Q. Will you state the operational organisation of the 38th division during the operations on Hongkong Island?

A. It consisted of the right flank force, left flank force, right artillery group, left artillery group, strait-crossing unit which later became the town area mopping-up unit, divisional reserve force which later became the Stanley assault unit, the Kowloon Garrison unit, the signal corps, the medical corps, the hospital corps and the supplies corps.

Q. Do you know Lt.-Gen. Ito?

A. I know him.

Q. Is he here now?

A. Yes.

Q. What was Lt-Gen. Ito's appointment during the operations on Hongkong Island?

A. He was the right flank commander.

Q. What was his rank at that time?

A. Major General.

Q. Please state the organisation and the strength of the right flank force.

A. The Doi Butai and the Shoji Butai; the strength was about 5,000.

Q. How was the chain of command of the town area mopping-up unit?

A. The strait-crossing unit was, as planned, turned into a town area mopping-up unit and they commenced operations from the 19th towards the town area.

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EXAMINATION OF D.W. NO. 4 - TOSAKA SUSUMI (Contd)

Q. What was its approximate strength?

A. At first it was about 300 but gradually it was reinforced and by the end its strength was about 1,000.

Q. How did you know of it?

A. I knew of it at divisional headquarters and I also visited the actual places.

Q. Besides the town area mopping-up unit, were there any other units that went into the town area?

A. The army gendarmerie, part of the Kitajima artillery unit, the signal corps, the medical corps and other small units, I think, entered the town.

Q. What was the approximate strength of the Kitajima artillery group?

A. 15-centimetres cannon, two battalions, howitzer, one battalion and one battalion of mortar. I am not sure of their strength but they consisted of quite a good number of guns.

Q. When and how was the Stanley attack unit organised?

A. The British troops that were at the Stanley Peninsula came out of the flank of our forces and became offensive. Therefore, to encounter them the Orita and Agashira battalions which were originally included as the divisional reserve force were assigned to meet them on the 21st and they were under the direct command of the divisional commander.

Q. What was their approximate strength?

A. Two infantry battalions.

Q. Who was the commanding officer of the Stanley assault unit?

A. At first the Orita Butai was leading but later due to the seniority of the battalion commander of the Agashira Butai, I think the Battalion commander of the Agashira Butai took command.

Q. During the operations on Hongkong Island what was done as to the treatment of POWs?

A. As I remember, a POW camp was established at North Point and a concentration place for POWs was established at the east side of Wongneichong Gap. This order was issued by the Divisional daily order.

Q. Under whose control were these placed?

A. Divisional Headquarters.

Q. Where were the artillery units positioned at that time?

A. The area to the east side of the Racecourse and the area to the south-east side of Wongneichong. It was spread over a considerably wide area.

Q. Are you able to indicate these positions on the map?

A. Yes.

Witness is shown the map and he indicates the positions.

President: That area comprises west of Jardine's Lookout, including the cemetery and Caroline Hill up as far as the reservoir marked on the map 587963. The other area is due south of Wongneichong Reservoir so far as the west side of Violet Hill. Wongneichong reservoir is 590955 and Violet Hill is 596946.

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EXAMINATION OF D.W. NO. 4 - COL. TOSAKA SUSUMI (Contd)

Q. Did the right flank force ever operate in the town area?
 A. The right flank force did not operate in the town area.

Q. By whom was the order for the operations on Hongkong Island issued and at which place was it issued?

A. The Divisional Commander issued the order passed on an Army order given him on the forenoon of December 17.

Q. Explain to the Court why did the Japanese Army establish such a position as infantry group.

A. The old system of having two brigades consisting of four regiments in one division was abolished and the division was made smaller, consisting of only three regiments. The purpose, from the tactical point of view, was to attack the objective with the main force and to attack the objective by the side with one regiment.

Q. Was there any other reason?

A. That's about all. There were reasons why the division was made smaller.

Q. Why?

A. Do you mean why the infantry group was abolished?

Q. Yes.

A. For the purpose of garrisoning the troops had to be scattered over a considerably wide district and in such cases it was considered that it would make the house shake from the roof.

Q. Is there any other reason?

A. No.

Defence Counsel: I have concluded ^{my} examination-in-chief.

CROSS-EXAMINATION BY PROSECUTOR:

Q. What was your rank and appointment during the attack on the island of Hongkong?

A. Major, officer in charge of intelligence.

Q. Why did the Divisional Commander decide to attack in that particular area that was attacked?

A. It was because it was not in the town area. It was out of the town area and it was convenient from the viewpoint of our formation which had already advanced and also it was more easier to make preparations if we landed at these positions.

Q. I imagine that as an intelligence staff officer you were well aware of the enemy's strength?

A. We knew of the strength in general but we did not know in detail. It was because we expected the main resistance in Kowloon; we did not expect it on the island.

Q. But you must have had some intelligence reports about the strength on the island?

A. I remember there were about 20,000.

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CROSS-EXAMINATION OF D.W. NO. 4 - COL. TOSAKA SUSUMI (Contd)

Q. How did you get that information?

A. It is mere imagination.

Q. We are not going to try you for espionage. You can speak the truth.

A. Yes, but in actual fact we did not know of the accurate strength of the enemy on Hongkong Island.

Q. Why couldn't there have been two men on the island instead of 20,000?

A. Because somebody said so.

Q. Who said so?

A. I can't remember well.

Q. I find that very hard to believe when you were the intelligence officer at that time and I am sure the Court does. I find it hard to believe that for a frontal assault on the island of that size you did not have any more information than you have told us, considering it was the first big operation in the great Pacific War as the General here tells us.

A. In actual fact we did not know of the strength.

Q. Where were these 20,000 men?

A. We came to know of it later that most of them were on Stanley Peninsula and around Victoria Peak.

Q. But what was more important was to know where they were before you started. Did you know where they were?

A. They were around our landing points.

Q. How did you know that?

A. We could observe them from the Kowloon Peninsula.

Q. Now then, it is true to say, isn't it, that all the information which you had should have been passed on to your right and left flank forces commanders? After all, they were doing the attack, weren't they?

A. That's right.

Q. You say all the information should have been given to them?

A. Yes.

Q. How many men were in one infantry regiment?

A. About 3,000.

Q. The right flank force: were there any other troops besides the Doi and Shoji Butai?

A. I do not recall of any.

Q. Were the whole of Shoji and the whole of Doi Butai in the right flank force?

A. Yes, all of the Shoji and Doi Butai.

Q. All the battalions?

A. No, both two regiments were less one battalion.

Q. That makes 4,000 men?

A. Yes.

Q. Where did the other thousand come from?

A. That is our approximate strength.

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CROSS-EXAMINATION OF D.W. NO. 4 - COL. TOSAKA SUSUMI (Contd)

Q. You were a thousand out of your calculations. I put it to you that 4,000 would be the more likely figure.

A. Yes.

Q. When were the first prisoners taken?

A. I never saw any prisoners.

Q. I didn't ask you when you saw them. When were they taken? Did you see them when they were taken?

A. At Stanley Peninsula and in the town area of Hongkong.

Q. How were you able to gain information of the enemy troops after the initial landing? What method did you adopt?

A. We were able to know of the situation from the reports made by the first line forces, also by observations of the artillery unit and the reports of the scouts.

Q. You get any information from the prisoners that were taken?

A. I don't know.

Q. As intelligence officer of the division, surely, that is a part of your job, isn't it?

A. I don't remember well.

Q. You mean to say that interrogation or finding out information from prisoners was not part of your duty, or you cannot remember any prisoners being taken. What do you mean?

A. I did not know of any prisoners that we caught.

Q. I take it that it was not your job at division HQ to interrogate prisoners. Is that right?

A. It was not my duty.

Q. Was it anybody's duty at the division?

A. It was the duty of the officer in charge of the rear line.

Q. Rear line where - division?

A. That is the officer who takes care of the second line and who takes care of the prisoners that were taken.

Q. Can you tell us your precise duty?

A. Officer in charge of intelligence.

Q. Yes, and what did you have to do? Sit down on your chair and look at books, or what. What did you have to do. What was your job?

A. To ascertain the enemy's situation and the topographic condition.

Q. How did you ascertain the enemy position?

A. As I have said, by receiving reports made by the first line forces, by observation of artillery units, reports made from scouts despatched and communications made by the air corps.

Q. Can I take it, then, that the front line troops, when they took prisoners, questioned them?

A. I think the first line units also interrogated them.

Q. You did not expect to take many prisoners on this assault, did you?

A. There was no such plan.

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CROSS-EXAMINATION OF D.W. NO. 4 - COL. TOSAKA SUSUMI (cont.):

Q. You agree with me that prisoners would have been rather a nuisance on an assault of this nature?
A. Not exactly.

Q. Were prisoners useful to you then?
A. I do not recall of any occasion when prisoners were used, and there were no prisoners.

Q. No prisoners were taken?
A. That's right, as far as I can remember.

Q. Throughout the whole of that campaign no prisoners were taken?
A. Yes, as I can remember.

Q. Were there any other intelligence officers at the division besides yourself?
A. Yes.

Q. How many were there?
A. I think there were about two.

Q. Were you the senior intelligence officer there?
A. I was the senior.

Prosecutor: No further questions, Sir.

Re-examination declined.

No Questions by Court.

D.W. NO. 5 - LT-GEN. HIGUCHI KEISHICHIRO.

Witness is affirmed.

EXAMINATION OF WITNESS:

Defence Counsel: Please state your name, age, rank and nationality?

Witness: Higuchi Keishichiro, age 56, Lieutenant-General, Japanese.

Q. Where were you during December, 1941?
A. I was in Canton.

Q. And then?
A. After the outbreak of the Greater East Asia War, as I was the deputy to the Chief of Staff of the 23rd Army, I remained in Canton and on the attack on Hongkong, the Commander-in-Chief and the Chief of Staff came.

Q. What did you do?
A. I did liaison work between the defence garrison units that were stationed within the Kwangtung province and the 23rd Army and came to Hongkong on a few occasions.

Q. Did you come to Hongkong while the operation on Hongkong Island was still under progress?
A. Though I stayed in Canton, I came to Hongkong on many occasions and reported to the troops in Canton of the condition of the fighting here and therefore I am well acquainted with the progress of the fight.

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EXAMINATION OF D.W. NO. 5 - LT-GEN. HIGUCHI KEISHICHIRO (cont.):

Q. Where were you about December 18?

A. Is that the time when we landed at Hongkong?

Q. That is the commencement of the Hongkong Island operation?

A. I remember that at that time I was in Kowloon and saw the various units that were to land on Hongkong Island.

Q. What was the total strength of the Japanese Army that landed on Hongkong Island?

A. I don't know of it in detail, but I think there were approximately 15,000-20,000.

Q. Do you know Lt-Gen. Ito?

A. Yes.

Q. What was Lt-Gen. Ito's rank during the time of the operation on Hongkong Island?

A. Major-General.

Q. At that time what was Gen. Ito's original appointment?

A. He was the officer commanding the 38th infantry group of the 38th division.

Q. What was Maj.-Gen. Ito's appointment during the operation on Hongkong Island?

A. He was the officer commanding the right flank.

Q. Then what would be the relation between the authority of Maj.-Gen. Ito as commanding officer of the right flank force and the commanding officer of the infantry group?

A. At the commencement of the operation on Hongkong, he was appointed the commanding officer of the right flank force and therefore for the duration of the operation he ceased to be the officer commanding the 38th infantry.

Q. As the commanding officer of the right flank force, could Maj.-Gen. Ito issue orders to other units?

A. The right flank commander had the authority only to command and direct units that were under the command of the right flank force, and therefore though under normal organisation he had some other unit under his command, after the operational organisation was made and this unit was attached to some other person's command, then he does not have any more authority in commanding this unit, and therefore if there were units allotted to him under his command he could command and order them though under normal organisation these units did not come under his organisation, including artillery and engineers.

Defence Counsel: I conclude my examination-in-chief, Sir.

CROSS-EXAMINATION BY PROSECUTOR:

Prosecutor: Did you yourself take any part in the planning of the organisation on the attack on Hongkong Island?

Witness: I myself was not directly concerned in the making of the plan of the attack.

Q. What was your job at that time?

A. My appointment was deputy Chief of Staff and my duty was in one word liaison officer, though the troops from Canton came to Hongkong area for the attack, there were still a lot of troops remaining behind stationed at various places within the province, and therefore in one word, I acted as liaison officer.

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CROSS-EXAMINATION OF D.W. NO. 5 - LT.-GEN. HIGUCHI KEISHEIICHIRO
(cont.):

Q. I take it the 23rd Army was spread from Canton to Hongkong, is that right?
A. That's right, Sir.

Q. And did you meet Gen. Ito before he went across the straits to attack Hongkong Island?
A. I did not see him just before the commencement of the attack, but I saw him in Canton.

Q. So all you have told us is merely hearsay?
A. No, that is from what I actually saw by myself and also from the information obtained by the official documents I got from the divisional HQ.

Q. So you were concerned in this attack in some way or other, were you?
A. Yes, in one way or the other, of course, I had some concern.

Q. Did you have any concern over the strength of the enemy?
A. No.

Q. Did you know ^{what} the strength of the enemy was?
A. I was not aware of it in detail.

Q. Was anybody aware of it in the Japanese Army at that time?
A. I think those concerned in planning the operation knew it.

Q. Gen. Ito was not in receipt of that information, did you know that?
A. I did not know about that.

Prosecutor: No further questions, Sir.

Re-examination declined.

No questions by the Court.

Defence Counsel: That closes the case for the defence, Sir.

President: Mr Kunihiro, how long do you require for compiling your closing address?

Defence Counsel: I wish to apply for an adjournment until Friday morning, Sir.

President: How long do you require, Major Ormsby?
Prosecutor: I will be ready on Tuesday, Sir.

President: Seems rather a long time, that is four and a half days without taking the week-end into consideration.

Advisory Officer: May I say, Sir, that it takes nearly two days to translate the closing address and about one and a half to two days to compile it, and that gives me a day to correct it and have it typed out. The translation cannot be done under two days, Sir.

President: You think it will take two days to translate it?

Advisory Officer: I think so, Sir, that is the opinion of the interpreter that it will take two days for the translation which leaves me one day to correct the English and get it typed.

President: Very well, the Court will adjourn for the preparation of closing addresses until 10 o'clock on Friday morning.

ADJOURNMENT.

At 1555 hours the Court adjourned until 1000 hours on Friday, February 6, 1948.

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NO. 7 WAR CRIMES COURT

Held at Jardine Matheson's East Point Godown, HONGKONG, on
FRIDAY, February 6, 1948.

12th DAY'S Proceedings in the Trial of:
Lt-Gen. ITO TAKEO, of the
Imperial Japanese Army.

At 1005 hours on Friday, February 6, 1948, the Court
re-assembled pursuant to adjournment. Present: The same
members as at adjournment on Friday, January 30, 1948.

Present: Mr Kunihiro, will you proceed with your
closing address?
Defence Counsel: Yes, sir.

The Advisory Officer reads the closing address of the
Defence.

At Page 4, end of third paragraph ".....has been
accused of," Prosecutor interrupts.

Prosecutor: That was not in evidence. That the accused
was punished is not in evidence, sir.

Advisory Officer resumes his reading of closing
address for the Defence.

At Page 4, end of paragraph nine ".....took place
at the above places," Prosecutor interrupts.

Prosecutor: That again is not in evidence, sir.

The Advisory Officer completes the reading of the
closing address of the Defence.

Closing address by the Defence taken into Court, marked
Exhibit "II," and signed by the President.

President: Major Ormsby, will you proceed with your
closing address?

Prosecutor: Yes, sir. May I say a few words before
making my closing address? On behalf of the Prosecution,
whatever the outcome or result of this case which has undoubtedly
created a lot of publicity, we should like to express our
appreciation of the public spiritedness of those witnesses who
voluntarily came forward to give evidence, especially the two
European and two Chinese women who came into this Court in
connection with rape, possibly more so of the latter, whose
natural diffidence is well-known to us all. We should like
also to express our appreciation to the Gentlemen of the Press
who conformed to our wish not to publish any names in connection
with this evidence. We realise these events took place
at Christmas, 1941, when they were announced to the world.
There has been a lot of publicity and we are very indebted to
the Press for not publishing these names. I would also like to
thank my colleague, Major Cross, for the help he has given me
in this case.

The Prosecutor then reads closing address of the
Prosecution.

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Prosecution address taken into Court, marked Exhibit "MM," and signed by the President.

President: The Court is now closed for consideration of findings.

ADJOURNMENT

At 1055 hours the Court adjourned.

RESUMPTION.

At 1445 hours the Court re-assembles. Present: The same members as at adjournment.

President: Accused will stand up. Lt-Gen. Ito Takeo, on the first charge, the Court finds you guilty. On the second charge the Court finds you guilty. On the third charge the Court finds you not guilty. On the 4th charge the Court finds you not guilty. The foregoing findings are subject to confirmation by higher authority.

President: Has Defence any ~~other~~ witnesses ^{as to} character to call?

Defence Counsel: I have witnesses as to character.

D.W. NO. 2 - COL. MATSUMOTO SHOJI. (Recalled)

President reminds witness he is still bound by his former affirmation.

Defence Counsel: Have you anything to say as to the character of Lt-Gen. Ito?

Witness: As may be noticed in his appearance which is bulky and sober, his character is made up of thoroughness, great heartedness, carefulness and paying attention even to trifle matters. He makes clear distinction between what is private and what is public nature and he is strict in carrying out orders. As regards any misdoings committed out of mental misjudgment he would be strict on imposing punishment. Concerning any misdoings of a nature other than this he was very kind, he would deal with the misdoers with love and sympathy. He never imposed extra strict punishment to the perpetrator. His subordinates, therefore, were always eager to obey his orders and apply themselves closely to their duties under his command. Such character of his, as it was, was reflected in the operation in the field, too, and military discipline and other operational regulations were consequently maintained splendidly and the progress of the operation could be successfully kept up. Likewise with the same character which was his, he was always kind and sympathetic toward the POWs who had fallen into his power. I wish to cite a few instances to show such character of his: One instance was noticed during the operation on Hongkong Island by the Japanese when the Canadian Army with its limited strength offered persistent resistance to the overwhelming Japanese for a period of three days, and Brigadier Lawson was unfortunately fallen a war victim in the operation. When Lt-Gen. Ito heard of this he ordered the regimental commander to take care of his dead body carefully with respect and have it buried in a proper manner in the cemetery. On December 25, 1941, when he was on his way with his staff to the Shoji unit

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EXAMINATION OF D.W.NO.2 - COL. MATSUMOTO SHOJI (cont.):

Witness (cont.): he stopped on the way and paid tribute to the soul of Brig. Lawson at the cemetery. The next instance may be noticed when he was in Ambon, after the completion of the Japanese operation on the Ambon Island, Dutch East Indies. During his stay of several days there, he treated the non-combatants in the way as they liked, some who wished to be taken to concentration camps were dealt in such way as they liked, and others who preferred to live their own way outside the camp, were also given such freedom. For those who were making their living within the concentration camps he allowed food to be taken in as much as they pleased and upholstery was also permitted to the extent they needed. Although guards were posted on the camp, the purpose was not to interfere with the internees themselves but to keep the Japanese soldiers from going in there. Thirdly, a similar instance was noticed in the Island of Timor, also in Dutch East Indies, where he was on garrison duty for about six months. He left the non-combatants to lead their way of life as they liked. For those who preferred to live in the concentration camps they were given such accommodation with enough food and upholstery, and others who did not wish so were allowed to live outside as they liked. In such a way he was shown the appreciation by the residents. The fourth instance of such nature was also seen in the same Island of Timor when he allowed some 1,200 POWs consisting of Australians and Dutch to lead a life as they liked under the leadership of one Australian Lieutenant-Colonel to whom a party of some tens of Japanese liaison officers were made available for any necessary communication. In such a way there was not even a single case of escape or any misconduct reported in the concentration camps under his authority. After the cessation of the war in general, when the question of the war crimes was discussed and talked of everywhere around the former theatres of war, the camps which were under him are the only places where no single case of war crimes have ever been taken up. The next instance was also in the Island of Timor. Even after the occupation of the Island by the Japanese Army, a certain Australian Captain had organised a troop of about 500 native men into an army and was still offering resistance to the Japanese. After five months of such resistance when they surrendered themselves to the Japanese, Lt-Gen. Ito was kind and magnanimous enough to receive the Captain in person himself and received them peacefully and he even had supper together with that Captain that night of their surrender. When these 500 men were concentrated into a camp, Lt-Gen. Ito allowed their families to come easily to the premises to meet their husbands and fathers. Next, I wish to quote a few more instances to show his strictness in maintaining military discipline. It was also in Timor, a member of the artillery unit which was attached to him once swindled a native and succeeded in obtaining a certain article. When this was found out, Gen. Ito dealt severely not only with the perpetrator himself, but also with his company commander whom he imposed severe punishment. Above is the extent I know concerning the character of Lt-Gen. Ito.

Defence Counsel: No further questions, Sir.

Cross-examination Declined.

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D.W. NO. 3 - SGT.-MAJ. ISHIYAMA KAKUE
(Recalled).

President reminds the witness that he is still bound by his former affirmation.

Defence Counsel: State all you know concerning Lt-Gen. Ito's character?

Witness: I remember him saying to me when he was transferred to a new theatre of operation in the south after the cessation of the Hongkong Island operation. He said that Brig. Lawson of the Canadian Army who was the man at Wongneichong Gap had shown splendid example to the servicemen, especially for the Japanese, when he died in action there. As he was bound to leave for the south within less than a week after the campaign ceased, and as he did not have the time himself to take the necessary steps to pray for the repose of Brig. Lawson's soul he told me that I in his stead should do it for him. When I heard this, I was impressed deeply by his deep consideration and respect for Brig. Lawson, and I accepted with gratitude that I would pay tribute for him. As for my part, being on duty in Hongkong for three years and eight months, I paid visits of more than ten occasions to the cemetery of Brig. Lawson which is at Wongneichong Gap. On these occasions I took bouquets of flowers with me. These visits were, however, made not out of my own spontaneity, but in stead of Lt-Gen. Ito. I am now here before the Court to disclose of such hidden tale which surrounds the death of Brig. Lawson concerning which character and magnanimity of Gen. Ito was expressed. That is all.

Defence Counsel: No further questions, Sir.

Cross-examination Declined.

D.W. NO. 6 - COMMANDER YOSHINO SHOZO.

Witness is affirmed.

EXAMINATION BY DEFENCE COUNSEL:

Defence Counsel: Tell your name, age, rank and nationality?

Witness: Yoshino Shozo, 45, ex-Commander of the Navy, Japanese.

Q. Do you know Lt-Gen. Ito?
A. Yes.

Q. Is he here?
A. Yes.

Q. How did you come to know him?
A. In January, 1944, a unit of the Japanese Army made entrance to the New Ireland Island on Bismarck Island. The commander-in-chief of the Army on this occasion was Lt-Gen. Ito. At that time I was the senior staff officer of the naval unit stationed at that Island. During the two years after the cessation of the war, and until we evacuated the Island, the Army and the Navy worked in co-operation on guard duty. It was very often that I was observing carefully the conduct of Lt-Gen. Ito in carrying out his duties in his status, as I was assigned to such a post which made it natural to do so, and I came to know him very well under such circumstances.

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EXAMINATION OF D.W. NO. 6 - COMMANDER YOSHINO SHOZO (cont.):

Q. Did you meet him in person on those occasions?

A. Yes.

Q. What do you know concerning his character?

A. Not very long after he arrived at the New Ireland Island, he made arrangements that all the European missionaries and Chinese be assembled and quartered in the city area where it was safest and communication was most conveniently made and provided for the safety of their lives. That district was in the area of the Army concerned. He had ordered the Japanese soldiers to build a barracks for their accommodation. He placed guards in the barracks and prohibited any Japanese from entering there, but left the European missionaries and the Chinese entirely free at their work, whether to go out or inside. I frequently visited these barracks and noticed that the guards while on duty were kind to these detainees. These barracks were supplied with abundant food and sufficient means of treatment and medical supplies and satisfactory accommodation. Children were singing songs, passing their time joyfully and grown-ups were reading books in a leisurely way. I thought the camp life was a happy one. Most of the missionaries were women. When I visited the barracks I asked them if there was any inconvenience among them. The answer was that Lt-Gen. Ito was kind in every way that they could think of no inconvenience at all in their life at the barracks. Lt-Gen. Ito, according to them, would himself greet and encourage the detainees. Concerning Gen. Ito's attitude towards the Chinese detainees I heard from the guards that Gen. Ito had thorough understanding and sympathy towards them. Once Gen. Ito had been condemned to death at a Court in Rabaul after the cessation of the war, being suspected of committing a war crime. We had firm confidence in the applied character of him and his state of mind not to evade even a bit of the responsibility that may be asked against him, and we all hoped that his death sentence be commuted. To our gratitude, as we expected, such commutation was granted. While on duty, still during the war, the Army and the Navy were not necessarily always on good terms between themselves. I for the Navy, however, was always ready to give a word of applause for the character of Lt-Gen. Ito, who represented the Army. That is all, Sir.

Defence Counsel: No further questions, Sir.

Cross-examination declined.

President: Is that your last witness, Mr Kunihiro?
Defence Counsel: Yes, Sir.

President: Major Ormsby, have you any evidence to produce as to the history of the accused?
Prosecutor: Yes, Sir.

Assistant Prosecutor reads history of the accused.

President: History sheet of the accused, Lt. Gen. Ito Takeo, taken into Court, marked Exhibit "NN" and signed by the President.

President: Has this history sheet been interpreted to the accused?
Monitor: Yes, Sir.

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President: Lt-Gen. Ito Takeo, do you wish to address the Court on the evidence that you have just heard from the Prosecution or in mitigation of sentence?

Accused Ito Takeo: I have nothing to say in mitigation of my sentence by the Court.

President: Do you wish to say anything on the subject of the evidence of your past history?

Accused Ito Takeo: No, Sir.

President: Mr Kunihiro, you wish to make a plea in mitigation of sentence?

Defence Counsel: No, Sir.

President: The Court is closed for consideration of sentence.

ADJOURNMENT.

At 1557 hours the Court adjourned.

RESUMPTION.

At 1710 hours the Court re-assembles. Present: The same members as at adjournment.

President: Lt-Gen. Ito Takeo, the Court sentences you to twelve years' imprisonment. This sentence is subject to confirmation by a higher authority. You are entitled to submit a petition against the findings or the sentence, Notice of which will be submitted within 48 hours. Your Counsel will advise you as to procedure.

Accused Ito Takeo: Sir, I wish to make a short address to the Court.

President: On what subject?

Accused Ito Takeo: I want to express my gratitude to the Court. It is more than my honour that I have been taken care of in this thorough-going manner for more than 10 days by the President [redacted] and Members of the Court, as well as by the two Prosecuting Officers. Before the trial commenced, in fact, I had worried of the procedure. Once the case started, however, I began to feel more at ease with the President and Members of the Court because of the way the trial has been conducted. In a word this must be attributed to the wonderful personality of the President and other Members of the Court as well. At this stage when the Court has given its sentence, I wish to express my gratitude. Once departed from here I may not be able to see you all again, and it is my earnest desire that in the future God's grace be with you all along, and your health be kept in good condition. [redacted] Thank you very much.

President: The Court is closed.

CONCLUSION.

At 1717 hours the Court rose.

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B - Certificate of President.

I certify that the court, as appointed in the convening order, assembled on the nineteenth day of January, 1948 and duly tried the persons named in the Schedule and that the plea(s), finding(s) and sentence in the case of each person were as stated in the third and fourth columns of that Schedule.

I also certify that the president and members of the court, the witnesses, the interpreter and the shorthand-writer were duly sworn.

~~(In the case of a death sentence) I also certify that sentence of death was passed on~~
~~with concurrence of~~

(Reg. 4).

Signed this 9th day of February, 1948.

P. M. W. H. H. H.

President.

C - Confirmation.

I have dealt with the finding(s) and sentence(s) in the manner stated in the last column of the Schedule and subject to what I have there stated I hereby confirm the above finding(s) and sentence(s).

Signed this fourteenth day of April, 1948.

G. H. H. H. H.

Major General
 General Officer Commanding
 Land Forces, Hong Kong

D - Promulgation.

Promulgated this nineteenth day of April, 1948.

(Signed) P. M. W. H. H. H.
for President

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Exhibit E.

Munich 1411.
PresidentPROSECUTOR'S OPENING ADDRESSTrial of Lt-General ITO TAKEO.

In December, 1941, the accused was in command of the Infantry Group (Hohei Dan) of the 38th Division of the Imperial Japanese Army and, as such, took part in the attack on and capture of Hongkong.

This Infantry Group consisted of three infantry regiments (Rentai) -- the 228th under Col. Doi, the 229th under Col. Tanaka and the 230th under Col. Shoji. These regiments were known as the Doi, Tanaka and Shoji "Butai." Each Infantry Regiment was again sub-divided into three Infantry Battalions (Daitai) and each Battalion consisted of four rifle or infantry companies (Chutai) and one machine-gun company; each company into three platoons, each platoon into three or four sections (Buntai). Such was the force over which he exercised command and for the deeds of which he was responsible.

The plan of attack can be simplified as follows: Three regiments or "Butai" took part -- on the left, or east flank, the Tanaka "Butai;" in the centre that of Doi and on the right, or west flank, the Shoji "Butai." Tanaka landed at Shauiwan, east of the Taikoo Docks, Doi just west of that and Shoji in the vicinity of North Point. The three regiments were to proceed independently, rendezvousing at Wongneichong Gap, having dealt with local resistance as they progressed. From there they had separate objectives.

The attack was scheduled to begin on the night of 18/19 December and all objectives to be taken by the morning of the 19th.

Let us first consider the movements of the Tanaka "Butai."

The attack developed as planned. Tanaka's second battalion landed and captured Lye Mun and Sai Wan hill. On the latter they subdued a post held by the 5th A.A. Battery, manned by the Hongkong Volunteer Defence Corps.

On the north-east corner of the slope of Mount Parker, overlooked by the promontory on which is situated Lye Mun barracks, is the Salesian Mission. This place was occupied by both British and Canadian military and civilian medical personnel. It was occupied by Tanaka's troops at day-break on 19th December, and the aforementioned personnel taken into custody.

In the meantime Tanaka, with his headquarters group, had made his way up the western slope of Mount Parker. He met his 3rd Battalion in the morning of the 19th, on the south-west slopes of Mount Parker proceeding around the upper Tytan reservoir to Stanley Gap road, whence he proceeded to and arrived at a point some hundred yards east of Wongneichong Gap in the afternoon. There he was joined by his 2nd Battalion from Sai Wan.

The task of the Tanaka "Butai" from that point onwards was to take the Repulse Bay area and eventually to strike west along the road skirting Deep Water Bay to take Brick Hill and the area around Bennett's Hill.

He planned to attack Repulse Bay by skirting Violet Hill via a water catchment running along the western side. To do this, it was deemed advisable to send a platoon to nullify fire coming from a position the other side of Deep Water Bay which

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overlooked the catchment. To do this, he despatched a platoon from his 3rd Battalion. The remainder of his command proceeded as planned towards Repulse Bay on the night of the 19/20th December.

In the Repulse Bay area, British resistance was centred about the Repulse Bay Hotel. The action which followed took the better part of three days when the position was finally captured.

Following the fall of Repulse Bay, Tanaka sent part of his force, on the evening of the 22nd December to attack Brick Hill on the west side of Deep Water Bay. At day-break on the 23rd some of his troops were sent forward to attack the Golf Course on Deep Water Bay.

These positions having been subdued, the 2nd Battalion then attacked Mount Bennett on the evening of the 24th December. This was the final action of the Tanaka "Butai."

During the times mentioned above, and up to and including the 27th December, atrocities were committed by Japanese troops under command of the accused at various points in the battle area. It will be proved that when the troops took Sai Wan Hill on the 18/19 December they captured a number of prisoners. These were all placed in a concrete pill-box for several hours. On being called out therefrom they were bayoneted and their bodies tossed over a stone embankment. Two miraculously survived to tell the tale. One of them will appear as a witness and give his evidence in person.

When the troops took the Salesian Mission, occupied by medical personnel, certain of them, both military and civilians having been made prisoners, were marched some distance up the Island Road and from there into a ravine or nullah on the side of Mount Parker where all but one were shot. Evidence will come to you from live witnesses and in affidavit form. In his affidavit Major Banfill will relate how he was told that this was done by an order. He will also tell of being carried off by his captors and of seeing them butcher wounded British officers and soldiers enroute.

In respect to Major Banfill's evidence, it will be important to note the route over which he was led by his captors in order that the Court may determine that these latter were, beyond any reasonable doubt, troops under the command of the accused.

At Repulse Bay witnesses will appear to testify that they saw captives killed on the grassy slopes of the bank outside a house called "Eucliffe." An affidavit from a survivor of this massacre will be produced.

Affidavit evidence will be produced of wounded soldiers being bayoneted at various points further along the Island Road towards Hongkong.

The Shoji "Butai" completed landing operations at about midnight on the 18th December. The "Butai" moved south and made a rendezvous at Wongneichong Gap at 0800 hours on 19th December. A party was sent out to subdue resistance on Jardine's Look Out. Here the "Butai" were subjected to heavy artillery fire from north of the Racecourse. This went on intermittently until the morning of 21st December. At midnight on the 19th December contact had been made with the Doi "Butai" (228th). On the afternoon of the 20th, Shoji sent his adjutant to contact the

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accused and again the Doi "Butai." (228th). He was informed that he was to assist the Doi "Butai" in the attack on Mount Nicholson.

Evidence will be presented of the ill-treatment in the form of rape by Japanese troops of nurses at the emergency hospital situated at the Jockey Club on the Race Course; of the murder of Chinese civilians in residences in Blue Pool Road at the extreme southern end of the Race Course.

Let Us now deal with the south-east sector of the Island.

The evidence on the movements of troops in this area is contained in a voluntary statement of the accused which will be produced to the Court. A reserve battalion of the Shoji "Butai" was sent to attack Stanley Peninsula to meet a British advance towards the Tytam Tuk reservoir.

Evidence of the wanton killing of two European residents at the reservoir pumping station will be described by eye-witnesses. The events at Stanley Peninsula are confined to one particular spot -- St Stephen's College. This was another auxiliary hospital. You will hear the story of the rape and murder of nurses; of the brutal killing of wounded soldiers and in fact complete disregard for the fact that the place was a hospital at all, although it was clearly marked as such. Evidence again will be presented in the form of live witnesses and from sworn affidavits.

The prosecution will ask the Court to visit the scenes of most, if not all of these atrocities, particularly the Salesian Mission, Repulse Bay, the Race Course and St Stephen's College.

Before proceeding with any discussion of the four charges which the accused will be called upon to answer, I wish to direct the Court to the following extracts from the Manual of Military Law, Chapter XIV (a), paragraph 56 (c).

"The following can claim to be prisoners-of-war if they fall into the hands of the enemy.....

Private enemy individuals and enemy officials whom a belligerent thinks it necessary to make prisoners."

(b) Appendix 4 (Red Cross Convention, Chapter 1, Article 2). ".....The wounded and sick of an army who fall into the hands of the enemy are prisoners-of-war, and the general principles of International Law are applicable to them."

(c) Annex to Hague Convention, Section 1, Chapter 1, Article 1, Condition 1.

"The laws, rights and duties of war apply not only to the army, but also to the militia and volunteer corps fulfilling the following conditions:- 1, They must be commanded by a person responsible to his subordinates."

Now, to discuss briefly the four charges on which the accused is arraigned. It will be noted that all are general in implication and almost identical in terms. The fourth charge, in particular, refers only to events at Blue Pool Road and Tytam pumping station.

The foregoing is an outline of the proof which will be offered to you in support of the charges which have been discussed.

In the light of all the evidence before you, the Court will be asked to consider whether the accused can be found guilty of the charges because either that it has been shewn that he was

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aware of, or ordered the atrocities or that they were so prevalent throughout the line of march of his troops that the Court will find beyond reasonable doubt that the accused was concerned in the crimes alleged. And in addition to this I ask the Court to take cognisance of the law on the responsibility of a commander in the field: He must take such measures as are within his power to see that inhumane acts do not occur. Thus while isolated incidents do occur which are not in the power of the commander to prevent, when the abuses are widespread it is argued that properly effective measures have not been taken.

The prosecution will open their case by presenting all the affidavit evidence in the order of the charges. This will be followed by the actual reading of those documents and the production of the live witnesses, again as far as possible in the order of the charges.

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Exhibit F. *S. Wang 2nd No 3.*
Incident.

Summary of examination of Martin Tso Him Chi
 Occupation - Banker of Bank of Communications, Canton
 Address - Bank of Communications Hostel, Canton
 I duly sworn states, I am 30 years of age, of British nationality and
 born at Hongkong. My permanent home is No. 49 Wyndham Street, 1st
 floor, Hongkong. I am at present living at Bank of Communications
 Hostel, Canton.

I was a member of 5 A.A. Bty. H.K.V.D., and on night
 of 17th or 18th, December, 1941, I was stationed with my Bty. at Sai
 Wan A.A. gun position. At about 2000 hrs. the enemy landed below our
 position and in a short time we were surrounded and heavily outnumbered.
 At about 2100 hrs. we surrendered. At that time I was in the
 "rest" position in a tunnel below the main gun site. We were ordered
 out from the tunnel and with the others about 25 in all were herded to-
 gether into one of the magazines. After 2-3 hours during which we were
 searched, we were ordered to leave the magazine and as each man passed
 the magazine entrance he was bayonnetted. As I passed through the en-
 trance I was bayonnetted from the right hand side across my abdomen up
 to my chest. When I pretended to be dead and lay with others of our
 battery who had been killed in this way. I saw the bodies of Cnr. A.A.
 Kwok, Cnr. K.K. Poon, Cnr. A. Ho and Sdr. C. Lau, and Cnr. K.P. Tsang
 amongst others who had been bayonnetted. Groans were heard by me from many
 during the night and some of the other fellows must have died from their
 wounds during the night. After 2 nights and three days, it must have
 been about 20th December, I left Sai Wan Gun position and although in
 pain and feeling weak I tried to make my way home to Causeway Bay, but I
 was forced by Japanese whom I met on the way to do coolie work. After one
 day of coolie work I made my way to the Catholic Church at Saukiwan where
 Rev. Fr. Shek and Mrs. Tinson dressed my wounds and looked after me.

Sworn before me (Signature) *M. T. T.* (rank) *2nd*
 (description) *War Crimes Investigation Team* This *2nd* day of *January* 1946.
Hong Kong
 Detailed to examine the above by the Commander-in-Chief, Allied Land Forces,
 South East Asia.

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QUADRUPLICATE

Exhibit G.
J. D. Smith 1511.
Printed

- AFFIDAVIT -

CANADA

PROVINCE OF QUEBEC

TO VIT:

(IN THE MATTER OF Canadian
(Prisoners of War at Hong-Kong
(and Vicinity.I. W/20052, A.K. PRYCE

of the City of Sherbrooke, in the Province of QUEBEC,
residing on Prospect Road, a rifleman in the Canadian
Army, make oath and say:-

- 1.- Between the 16th and 19th of November, 1941, I was transferred from Headquarters to "C" Company, Royal Rifles of Canada.
- 2.- On the 16th of December, 1941, I was fighting with "C" Company, under the orders of Lieut. Bradley, on Hong-Kong Island on the highest point behind Lye-Man Barracks.
- 3.- From this place, we could easily see the mountains across on Kowloon side, which were right in front of us, about 400 yards. We were stationed on the highest point right close to the water, at Lye-Man and from this point, we could, on our left, see the harbour of Kowloon and the Airport. The British Army Barracks, called Lye-Man Barracks, were just behind us in the mountains. San-Kai-Man Village was on our left at the foot of the mountain and we could easily see it.
- 4.- On the 17th of December, 1941, we were replaced by Indians and we went down to the main road, where we stayed all day. We were stationed in a cement building off the side of the main road, which had been built by the British Army and was used as a field kitchen.
- 5.- Right opposite this field kitchen, on the other side of the main road, was a big water reservoir. On the same side of that field kitchen, approximately 50 yards, on the same side of Lye-Man Barracks, was a Chinese graveyard.
- 6.- On the 17th of December, at night, the Japanese landed right on that point where we were before the Indians took over. We kept quiet all day in that field kitchen near the main road and we were not bothered by the Japanese.

J. D. Smith
Justice of Peace in and for the District
of Quebec.

A. K. Pryce
(DEPONENT)

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7.- On the 18th of December, 1941, Lieut. Bradley told us that there were Japanese all around the place and that we had to go after them. We all left the field kitchen, went into the main road and our Company, under the orders of Lieut. Bradley, went up into the mountains on the opposite side of the main road. These mountains were part of Mount Parker.

8.- Sergeant Guesner and myself were on the road at that time behind our company and he asked us to remain with him. We went to a culvert underneath the main road and spent the whole night there, watching the Japanese. Between eight and ten o'clock in the morning of the 19th of December, 1941, Sgt. Guesner suggested that we go down to the field kitchen. He expected that the truck, which usually brought our rations once a day, would be in that day and he wanted to prepare meals for our men.

9.- At that time, it was very quiet all around and we could not see any Japanese. So, we walked down the main road to go to the field kitchen and approximately five minutes later, we arrived at a place where a road had been cut through a hill. There were Japanese soldiers hiding themselves behind the cut and we could not see them. They immediately jumped on us and we could not do anything. There were Japanese on both sides of the road; they must have been at least 200 men at that time. What I figured out afterwards was that they were walking on the road and they must have heard us coming.

10.- At the time of our capture, I noticed that a first class private (a man wearing a white stripe on his collar) was with the men. Japanese then took from us everything we had: our rifle, watches, ammunition, helmets and all our equipment. They then backed us up on the side of the road near the rocks and kept their bayonets pointing at us. We remained there for about half an hour when a Japanese Officer, mounted on a horse, arrived. I noticed that this Japanese officer was wearing two stars on a white stripe. At the moment, I did not know he was a first lieutenant, but after that, I found out that officers wearing two stars and a white stripe were first lieutenants. This first lieutenant talked to us, but we could not understand Japanese. He then gave

[Signature]
Justice of Peace in and for the
District of Quebec.

[Signature]
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7.- On the 18th of December, 1941, Lieut. Bradley told us that there were Japanese all around the place and that we had to go after them. We all left the field kitchen, went into the main road and our Company, under the orders of Lieut. Bradley, went up into the mountains on the opposite side of the main road. These mountains were part of Mount Parker.

8.- Sergeant Ganser and myself were on the road at that time behind our company and he asked us to remain with him. We went to a culvert underneath the main road and spent the whole night there, watching the Japanese. Between eight and ten o'clock in the morning of the 19th of December, 1941, Sgt. Ganser suggested that we go down to the field kitchen. He expected that the truck, which usually brought our rations once a day, would be in that day and he wanted to prepare meals for our men.

9.- At that time, it was very quiet all around and we could not see any Japanese. So, we walked down the main road to go to the field kitchen and approximately five minutes later, we arrived at a place where a road had been cut through a hill. There were Japanese soldiers hiding themselves behind the cut and we could not see them. They immediately jumped on us and we could not do anything. There were Japanese on both sides of the road; they must have been at least 200 men at that time. What I figured out afterwards was that they were walking on the road and they must have heard us coming.

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orders in Japanese to his men and immediately after that, they tied a long rope on one of my wrists and did the same thing to Sgt. Cusner. This rope was about five or six feet long and they let it drag along the road. One end was tied around my wrist and the other end was laying on the road. They then made us push a field stretcher with wheels and forced us to march up the road. We marched up as far as a spot on the road in line with Mount Parker on the Victoria Harbour Map, where we were forced to pick up all sorts of equipment belonging to Japanese soldiers. We did that work most of the day and after that, they made us turn back and we walked down the road to the field kitchen where we were stationed before.

11.- During all that time, the Japanese officer was supervising the work. Here and there, Japanese soldiers used to jump on the end of the rope which was dragging on the road to bother us and make us lose grip on the hands of the stretcher.

12.- On arrival at the field kitchen, they placed the field stretcher alongside the road and they immediately tied our hands with a rope. The Japanese first lieutenant was there at the time. This Japanese officer gave orders in Japanese, which I could not understand, but immediately after that, we were placed right on the edge of the road and I was bayoneted by Japanese Guards. The Japanese officer (first lieutenant) was about fifteen feet away from me when this was done.

13.- Sergeant Cousin to whom I refer in my statement dated 30 November, 1945, is Sergeant CUTNER. I made a mistake in the spelling of this name at the time. There was only one Cusner in the Royal Rifles of Canada so there cannot be any mistake. He was the regimental sergeant cook of our Unit.

14.- After the Japanese officer had given orders, which I did not understand but which I presumed were to bayonet us, five Japanese soldiers came around Cusner and myself with bayonets. The others and the Japanese officer were watching. Cusner was bayoneted first by a Japanese guard. He received a bayonet wound in the back of his shoulder. We were facing the edge of the road at the time and the Japanese were in our back. Immediately after that, I was bayoneted

[Signature]
Justice of Peace in and for the
District of Quebec.

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in the back and I fell off the road. I saw Ganser falling off the road before I did.

15.- This happened around 1900 hours and when I recovered, it was around 2200 hours. At that time, Ganser was groaning. I had an awful time in getting the ropes off my hands; it took me about an hour. After that, I noticed Ganser was dead. I then left him and went to a pill box, which was about 60 yards away from the road. That pill box was on the right hand side of the road, facing Lye-Wang; it was right opposite the second class road that turned into the Chinese graveyard.

16.- When I arrived in that pill box, Rifleman Gray, Royal Rifles of Canada was there. This rifleman Gray was the cousin of Rfa. Gordon Gray of "C" Company. The christian name of this Rifleman Gray, who was in the pill box with me, was Howard, I think.

17.- The christian name of the Rfa. Sears to whom I refer in para. 6, page 4 of my first statement dated 30th November, 1945, was "GUY"; I guess his right name was "Augustin". I made a mistake in telling you that the spelling of this name was Sears; the right spelling is "GUY".

IN WITNESS WHEREOF I HAVE SIGNED,

A. H. B. Guy
(A. H. B. GUY) - E/29852, Rfm.,
Royal Rifles of Canada.

sworn before me at QUEBEC, P.Q.,
this 16th day of January, 1946,
consisting of four pages, each
signed by Deponent.

J. Alfred Crowe
(J. ALFRED CROWE) - Major,
A.F.A.G., W.D. No. 5,
Justice of Peace in and for the
District of Quebec.

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Exhibit H. *St. Daniel 6.11.*
Winnipeg.

DEPOSITION

CANADA
PROVINCE OF MANITOBA
TO WIT:) In the matter of personnel held Prisoner
) of War by the Japanese and in the matter
) of the Deposition of H.6436, L/Cpl. Gordon
) Edward WILLIAMSON, Winnipeg Grenadiers,
) C.A.

I, No. H.6436, L/Cpl. Gordon Edward WILLIAMSON, a member of His Majesty's Canadian Army, make oath and say:

1. I am No. H.6436, L/Cpl. Gordon Edward WILLIAMSON. I reside at Suite 3, Rio Apartments, 544 1/2 Ellice Avenue, in the City of Winnipeg, in the Province of Manitoba. I am a member of His Majesty's Canadian Army, and at all times pertinent hereto a member of the Winnipeg Grenadiers, C.A.

2. I was attached to and serving with Brigade Headquarters as a cook at Wong-Nei-Chong Gap, Hong Kong, when taken prisoner on 22nd December, 1941. Following the surrender we were taken out to a place called Sir Cecil's Ride, about three hundred yards away, where our hands were tied behind our backs and we were searched. We were kept here until the afternoon and then we were marched away and taken to North Point Camp, arriving there about 2200 hours the same night. Before the march to North Point Camp the prisoners were tied together in groups of three, and on the way to North Point Camp I saw a Sergeant of the Middlesex Regiment bayoneted by one of the Japanese sentries. I do not know the name of this Sergeant but the circumstances were as follows: The Sergeant was one of a group of three with his hands tied behind his back and a wire running from his hands over his back, across in front of his throat and down his back to his hands. This meant that if the Sergeant lowered his hands to a comfortable position the wire across his throat became very tight and would interfere with his breathing. This is apparently what happened as the Sergeant became exhausted and collapsed. He was then cut loose from the other two prisoners and dragged to the side of the road where this Japanese escort bayoneted him in the back. I was not more than six or seven feet away at the time and could see exactly what took place. This was a full bayonet jab and penetrated the Sergeant in the small of the back. I recall the Sergeant was wearing a great coat at the time and was in great distress. He was choking. This was prior to being bayoneted. It all happened just as I was passing the spot where he was bayoneted. I do not know what became of the Sergeant. I never saw him again. I do not know the name of the Japanese guard. He was one of about eight. There were others of the Middlesex Regiment in this party of prisoners. On this same march I also recall seeing a Chinaman with his hands tied behind his back and a wire noose around his neck. His hands were tied high up on his back and the lead from the noose to the hands short, which meant that if he lowered his hands he would choke himself. This Chinaman was a civilian. He finally became exhausted and collapsed. He was cut loose from the others and left on the side of the road. At the time I saw him lying on the side of the road his eyes were beginning to pop out and he was turning black and blue in the face. I did not see him further.

3. Immediately following our surrender only those who could walk were taken out with the exception of Lieut. Col. Walker, R.E., who was carried out on a stretcher. Those who could not get out were left behind, and I recall that L/Cpl. Boyd, Pte. Swanson and Pte. Dowsell were three of those left behind due to severe wounds. When we got to Sir Cecil's Ride I asked a Japanese guard through an Indian who acted as interpreter, if we could go back and bring out the wounded. The Japanese guard just laughed and indicated to me that the wounded had been put to death. He did this by drawing his

*G. Williamson**W. J. W.**W. J. W.*

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hand, fingers extended, across his throat, indicating that their throats had been cut, and also with his rifle made jabs, indicating that they had been bayoneted. I cannot say what actually happened to those who were left behind because I never saw or heard of them again.

4. On the way to North Point we passed through the outskirts of Victoria, where I saw about eight or nine decapitated St. John's Ambulance personnel. Some of these bodies were still in a kneeling position with hands tied behind their backs. They were dressed in the St. John's uniform and the St. John's hats were lying on the ground.

5. We remained in North Point until the following day and then were taken to Argyle Barracks, Kowloon, where we were detained for a few days and then taken to Sham Shui Po, arriving there on December 28th.

6. I remained at Sham Shui Po until the 23rd of January, at which time I was moved with other Canadians to North Point Camp, remaining here until September, 1942. I was then moved, together with the others, back to Sham Shui Po, where I remained until liberated, with the exception of the period from 11th February, 1943, to January, 1944, which was spent as a patient in Bowen Road Hospital.

7. During my stay at North Point Camp, in the month of June, Sergeant Payne, Cpl. Harrison and I, planned to escape. Before this could be carried out I became ill with pellagra and Cpl. Harrison also became sick with dysentery, and we had to give up the idea at that time. Sgt. Payne, however, continued with the idea and with three others did escape from the Camp on the night of August 19th, 1942. I knew of the intended escape this particular night but did not take any actual part in assisting them to get away. After being moved from North Point Camp to Sham Shui Po I had occasion to visit Pte. George Sweeney, Winnipeg Grenadiers, in the Camp Hospital at Sham Shui Po in November, 1942. Pte. Sweeney, on this visit, told me that he had had a conversation with a Sgt. Plummer of the Middlesex Regiment, who was a Prisoner of War in this Camp at this time, and Sgt. Plummer had told him that he had seen and talked with Sgt. Payne and the other escapees in a gaol in Kowloon. Sgt. Payne was a great friend of mine so I immediately proceeded from the Hospital to contact Sgt. Plummer, and found him in his hut. He told me that he had had a conversation with Sgt. Payne, who told him that when the escapees had come down to the docks they had taken a sampan, which is a small boat, and started across the harbour (a distance of about three miles) towards the mainland. They were about half way across when their sampan sank and Payne and Berzenski were forced to hold up Ellis and Adams as the latter could not swim. They were in the water for six hours. They were caught in the tidal flow and could not get out of it. Eventually, in desperation, Payne blew a whistle he had and they were picked up by a Japanese patrol boat in the harbour and were taken to a civilian gaol in Kowloon. Having my doubts about this I asked Plummer to describe to me the men he saw in the gaol. He described Payne's dress by stating that Payne wore a battle dress and puttees, that Payne had very dark hair and that it was Sgt. Payne. He also described one as having a scar on his temple - this would be Berzenski. He described another as being very heavy set - this would be Adams, and the other as being very slight - this would be Ellis. From my acquaintance with Payne, Berzenski, Adams and Ellis, I am satisfied that the above descriptions apply to these four as stated. Sgt. Plummer also told me about the specially prepared hardtack that Sgt. Payne was carrying. This hardtack was made of crushed rice, but became very wet and soggy while he was in the water. The Japanese wanted Payne to eat this hardtack but it was so filthy and dirty that he refused to eat it.

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S. J. W.

Following liberation I was told by Cpl. Jackson, W/G, and L/Cpl. McGee, W/G, that they had had a conversation at Sham Shui Po after the liberation, with an elderly Portugese man who had told them that the four escapees had been executed at Stanley Prison, that he had been at Stanley Prison at the time and had seen this. He also told them that the escapees had barbed wire through their cheeks and their hands were tied with barbed wire and they had barbed wire coiled around their heads. This was just prior to the execution. He also stated that the bodies were buried at Stanley Prison. I personally tried to contact this old man immediately after hearing the story but he had gone by that time. Sgt. Plummer was with the second Middlesex Regiment. He was sent to Japan with one of the drafts from Sham Shui Po. I do not recall what date this draft left for Japan. Subsequently, after being evacuated I saw a Cpl. Folkes, Second Battalion, Middlesex Regiment, at Manilla, and he told me that Sgt. Plummer was also there at Manilla but I did not personally see Sgt. Plummer. Sgt. Plummer would be about 25 years of age at the time I knew him at Sham Shui Po. He had the nickname of "Darky".

8. Except as herein stated I do not at this time recollect any further information of atrocities or incidents of mistreatment of Allied Prisoners of War.

SWORN before me at the City of Winnipeg, in the Province of Manitoba, this *2nd* day of *February*, 1946, consisting of three pages each signed by the Deponent.

G. E. Williamson
(H.6436, L/Cpl. Gordon Edward WILLIAMSON, Winnipeg Grenadiers, C.A.)

[Signature]

A Notary Public in and for the Province of Manitoba.

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Exhibit I, Schmidt L. (1)
Schmidt

DEPOSITION

CANADA
Province of Manitoba
To Wit) In the matter of Personnel held
) Prisoner of War by the Japanese and
) in the matter of the Deposition of
) H.6402, Pte. Leslie George ADAMS,
) Winnipeg Grenadiers, C.A.I, No. 6402, Pte. Leslie George ADAMS, a member of
His Majesty's Canadian Army, make oath and say:

1. I am No. H.6402, Pte. Leslie George ADAMS;
I reside at Ste. #4, Edwin Apartments, 390 River
Avenue, in the City of Winnipeg, Province of Manitoba.
I am a member of His Majesty's Canadian Army and at
all times pertinent hereto a member of the Winnipeg
Grenadiers, C.A.

2. I was taken prisoner of war on the 19th of
December, 1941, at Mt. Butler with a section of "A"
Company. I saw a group of Japanese soldiers who
looked and acted like a bunch of savages, bayonet
L cpl. R.C. Land, Pte. B.B. Whalen and Pte. N. Osadchuk
in cold blood while we were being stripped and searched
for any valuables. After being stripped and searched,
I was taken along with the remainder of "A" Company
and lined up against a wall. It appeared as though
we were being lined up to be shot. We were made hold
our hands over our heads for over half an hour. There
were several men whose names I do not now remember
lowered their arms a bit and they were knocked out by
being struck over the head with the butt of a rifle.
The Japanese Officer, who could speak a bit of English,
came along when we were in this position. He had us
lower our arms and gathered us together marching us
over to a small building which appeared like a garage.
He crowded us all into this building where conditions
were very crowded. This would be in the middle of
the afternoon. The boys were all crying and yelling for
water. A Middlesex Sergeant, whose name I do not
remember, was demanding water and was talking back to
the Japanese sentry. He told the Japanese sentry that
he was fighting for his King and Country and that is
more than you can do. This Sergeant was taken out and
was never seen afterwards. On several occasions
throughout the night when the boys were yelling for
water the sentry came to the door, pointed the rifle
at them and hollered at them in Japanese. We took
from that, that we had better be quiet or else.

3. On the 20th of December, 1941, about the
break of day, a mortar bomb hit the corner of this
building that we were in. Pte. Bradey, L cpl.
Wm. Starrett, of the Winnipeg Grenadiers, Cpl. T.G.
Agerbak also of the Winnipeg Grenadiers, two Hong Kong
Volunteers and several Imperials, were killed by this
mortar bomb. Several others, whose names I do not
now remember, were seriously wounded. The Mitchell
brothers, who had both been wounded and received
further injuries from this mortar bomb, were left at
this small building along with Pte. Dori O'Neil, who
had a bad wound in his side. The balance of us were
tied up in groups of five with fine wire and marched
down to North Point Camp. The Japanese promised us
that they would look after these men that were left
behind, along with several Imperials. I never did
see any of these men after leaving there.

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4. On our way down to North Point we met a group of Japanese soldiers going up into action. One of these soldiers slapped Pte. Fred Gard, who was in one of the groups ahead of me, knocking him over the cliff. It was just by the wire that he was saved from rolling into the canyon. He was badly stunned from this blow. Pte. Kilfoyle of the Winnipeg Grenadiers, started to cry as we were being marched down. The Japanese guards took him out of his group, knocked him into the ditch and then shot him. Lieut. McKillop, who had been badly wounded in the legs and thighs, had not said anything about his wounds so that he could go down with us. Lieut. McKillop collapsed when we arrived at North Point. He died about a week later at Argyle Camp.

5. I was taken to North Point Camp at the end of January, 1942. The Camp Commandant here was Lieut. "Wadua", who was short and stubby; about 5'5 or 6" tall; weighing approximately 175 lbs; 40 years old; clean shaven and neat. I worked on camp fatigues until sent to Bowen Road Hospital in July, 1942. I had gone blind in my left eye, and my both eyes were kept covered for over two months while I was at Bowen Road Hospital. I was supposed to have had further medical treatment for my eyes but I was forced by the Japanese to go on draft because I was able to get around. I never did get further medical attention on my eye.

6. On the 15th of November, 1942, at Kai-Tak Military Airport, I saw a Winnipeg Grenadiers, whose name I do not now remember, made hold a rock weighing about fifty lbs. over his head for approximately two hours. Each time he lowered his arms a bit, the Japanese interpreter known to me as "Kamloops" would kick or slap him with his scabbard.

7. In January, 1943, I was taken on board the "Tatuta Maru" to Japan, landing at "Nagasaki". The Tatuta Maru had quite a number of wounded aboard and was sailing under the Red Cross. There was also a load of oil or petrol on the decks of this ship. I was taken to Kowasacki 3 "D" which was between Yokohama and Tokyo. This was a new camp and we were the first prisoners of war to go there. There would be between 400 and 450 of us in this group, all being Canadians. There was a section of about forty Imperials come in at a later date. The Camp Commandant here was Lieut. "Wamori" who spoke good English and was very athletic. He was about 5'9" in height; weighed approximately 175 lbs; 45 years of age and clean shaven. I was forced to work for the Nippon Kokan Steel Company.

8. Shortly after the first of February, 1943, I was beaten by a Japanese Army guardsman. I do not know the name of this guard, but he was approximately 6' tall, weighed about 180 lbs; 30 years of age; very ugly looking and always had a stubble beard. I had gone into the wrong latrine while out at work, when in this latrine this guard came and without warning or explanation hit me over the head with the butt of his rifle. He then beat me with his fists and kicked me in the stomach several times while I was laying in the latrine.

9. In April, 1944, I saw a Sgt. West of the Canadian Dental Corps, beaten by Kondo, who was about 5'10" tall, weighing approximately 140 lbs and about 28 years of age. He wore glasses when in the office; was clean shaven and could speak broken English. We

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were all standing at attention by our beds when S sgt. West was beaten. Kondo said "He knew that West had sold the boots; he did not mind that so much, but he did not like the lies that he was telling". S sgt. West was slapped across the face with a rubber running shoe. He was then taken away; the following day he was sent to jail where he remained for eight months.

10. I have been forced to stand out in all kinds of weather for long periods of time because someone was suspected of having brought food into camp that they had stolen while at work. I have been forced to go to work at the blast furnaces when Capt. Reid had told the Japanese that I was not in fit shape to go on another work party.

11. In December 1944, I was taken to Shina Gawa Hospital which is in the City of Tokyo. I was only there for a short time when I was marched with approximately fifty other Canadians to Omari Camp. The distance from Shina Gawa Hospital to Omari Camp could not have been very far as it only took us a little over an hour to make this march. Camp Omari was on a very small island and was accessible to the City of Tokyo by a bridge. When I went to Omari Camp there were several hundred mixed Allied Prisoners of War there.

12. I had only arrived at Camp Omari when a Japanese Army Sergeant named "Watenabe", slapped me in the face and knocked me into the air raid trench. I got up and he slapped me again. I did not get up this second time and he walked away. I saw him hit someone else further down the line but I do not know who it was.

13. At Camp Omari I worked in the freight yards at Shidome and Onaga Gawa stations, until they were bombed on or about 15th of February, 1945.

14. In March, 1945, I was moved to Ohasi, Camp 6 "D" along with a group of two hundred Canadians. Ohasi Camp was occupied by American and Dutch troops when we arrived. I do not know the exact location of this camp but it was very close to Kamaishi, the point from which I was liberated. I did not see any beatings in the machine shop where I worked, but I heard of beatings that took place in the mines. I have no definite information on any of these beatings. I do not know who the Camp Commandant was at Ohasi. Red Cross parcels received at this camp were always opened and the cigarettes and chocolate was missing.

15. Except as herein stated I do not at this time recollect any further information of atrocities or incidents of mistreatment of Allied Prisoners of War.

SWORN before me at the City of Winnipeg)
in the Province of Manitoba, this 31st)
day of January, 1946. Consisting of three) (Sgt) L G Adams)
pages, each signed by the Deponent) (H.6402, Pte Leslie G. Adams)
Winnipeg Grenadiers, C.A.

(Sgd) F J Killeen
(A Notary Public in and for the
Province of Manitoba).

SEAL

(Certified true copy)

(Joan L. Tarte) Lieut

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Exhibit 5. *Johnson & Hall*
Prisoner

DEPOSITION

CANADA
 Province of Manitoba
 To Wit

) In the Matter of personnel held
) Prisoner of War by the Japanese and
) in the matter of the Deposition of
) H. 6047, L/Sgt. William Albert HALL
) Winnipeg Grenadiers, C.A.

I, No. H.6047, L/Sgt. William Albert HALL, a member of His Majesty's Canadian Army, make oath and say:-

1. I am No. H.6047, L/Sgt. William Albert HALL; I reside at 134 Main Street, Rideout, Kenora, Ontario. I am a member of His Majesty's Canadian Army and at all times pertinent hereto a member of the Winnipeg Grenadiers, C.A.

2. I was with "A" Company of the Winnipeg Grenadiers during the fighting on Hong Kong Island and was captured at Mount Butler on the 19th of December, 1941.

3. During the 19th of December, 1941, our Company had been fighting on Mount Butler under Major Gresham. Although I do not know the size of the Japanese forces with which we were engaged, I believe that it was at least a regiment. We had been fighting since dawn and were completely cut off from the other units when at about 4:00 p.m. Lieut. McKillop, who was the Senior Officer left alive, ordered our surrender, as our ammunition was practically exhausted and the large proportion of our Company had been killed or were badly wounded. About two platoons of Japanese disarmed us; our numbers having been reduced to twenty all ranks.

4. We remained in the position where we had surrendered for about fifteen or twenty minutes and were then marched down towards a shack, about a half mile below in the valley called Butler's Gap and where we were forced to spend the night. On the way down, just as we were passing our old anti-aircraft post, three Grenadiers, namely: Pte. Whalen, B.B., L/Cpl. Land, R., and Pte. Osadchuk, were hauled out of our ranks by some Japanese soldiers who had been resting at the side of the path and before I had taken more than four or five paces, I saw Pte. Whalen hit on the head several times with the butt of a rifle and as he fell to the ground a Japanese soldier shot and killed him with a revolver. At the same time as Pte. Whalen was being murdered, L/Cpl. Land and Pte. Osadchuk were bayoneted by at least three or four other Japanese soldiers, and fell to the ground and appeared to die almost instantly. I could not identify the Japanese soldiers responsible for this and I do not know the name of their unit, but Sgt. Pugsley, Pte. Stewart, Pte. Bell, and L/Sgt. Currie, all of the Winnipeg Grenadiers, were also present.

5. There were about six Japanese soldiers who were actually responsible for the killing of Pte. Whalen, L/Cpl. Land and Pte. Osadchuk, although the soldiers who were marching us down to the shack took no steps to prevent these soldiers being murdered.

6. About fifty yards further down the path

G.H. Johnson
W. A. Hall

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Deposition of: H.6047, L/Sgt. William Albert Hall

we came to a road along which we proceeded for about 200 or 300 yards until we came to the shack. It was here that I first saw a Japanese Officer although at the place we surrendered there had been several Non-commissioned officers and there also had been several Non-commissioned officers guarding us on the way down to the shack. I do not know the name or number of the Unit to which any of these men belonged, but it definitely was an Infantry Unit and it must have been a first or second regiment on to Hong Kong Island.

7. The Japanese Officer whom I saw at the shack on the 19th of December, 1941, was an Infantry Officer. He was short and stocky and weighed approximately 150 lbs. He was a Lieutenant; clean shaven, and spoke English slightly. I believe that he was an Officer belonging to the Unit which took us prisoners as our guards appeared to know him well.

8. During the night of the 19th of December, 1941, I was in the shack with approximately ninety other prisoners who included about thirty Canadians and the rest being made up of British, Indian, Hong Kong volunteers and one Chinaman. There were three Canadian Officers and one British officer in the shack. The ten Canadians who joined our group were brought down to the shack at a later time and they were all Winnipeg Grenadiers; but the only one I can remember by name was Sergeant Marsh.

9. During the night our own Artillery scored two direct hits on the shack and many of the prisoners of war including two of the officers were killed, and another officer Lieut. V. Mitchell of the Winnipeg Grenadiers was very badly wounded and I believe was killed in this shack by the Japanese after we had left in the morning.

W. A. H. 10. On the morning of the 20th of December, 1941, those of us who were able to walk were moved to North Point Camp. Those who were unable to walk were left in the shack and none of them were heard of again. We were not permitted to carry those who were unable to walk; the Japanese guards stated that only those capable of walking unaided could proceed. Although Lieut. McKillop had been badly wounded, when the shack was hit during the night, he was able to walk unaided and he proceeded with us. I am convinced that the Japanese killed all those who were left, as one of the Japanese Non-commissioned officers stated that they, the Japanese, could not be bothered looking after those who were unable to walk.

11. Our group arrived at North Point Camp on the evening of the 20th of December, 1941, and on the following day several of us carried Lieut. McKillop to Argyle Street Barracks in Kowloon, where we were quartered until about the 30th of December, 1941. Lieut. McKillop died at Argyle Street Barracks about the 2nd of January, 1942, due largely I believe, to the lack of medical attention immediately after he was wounded at the shack. I did not see any of the wounded receive any medical attention whatsoever, although many of them had received very serious wounds.

12. I was moved to Sham Shui Po on or about the 30th of December, 1941 and remained there until the latter part of January, 1942. While at Sham Shui Po I did no work and although we received very little

W. A. Hall

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Deposition of: H.6047, L/Sgt. William Albert Hall

food I did not see any of the prisoners of war beaten. I saw several Chinese civilians tortured and tied up near the guard house at Sham Shui Po but I cannot now recall any specific instance nor do I know the names or units of the guards who were responsible for these atrocities.

13. About the end of January, 1942, I was taken with the rest of the Canadians to North Point Camp, where I remained until taken to Bowen Road Hospital in the latter part of August, 1942. While at North Point Camp I did no work until about June, 1942, when I went to work at the Kai-Tak Airport, about twice a week.

14. I was in the hospital at North Point Camp when four Canadian prisoners of war escaped, namely: Sgt. Payne, Pte. Ellis, Pte. Adams and L/Cpl. Bersenski. I believe it was the 21st of August, 1942, when this escape took place. During the evening of the escape, I saw these four soldiers getting ready in the Orderly Room of the Hospital. My bed was at the end of the ward, closest to the Orderly Room and I had a good view of what they were doing. They each had a small pack, in which they placed food of all kinds. They were all dressed warmly and each one of them had a complete battle dress, which I believe they wore leaving the camp. I am not absolutely certain of the time I saw them in the Orderly room but it was between 10:00 and 11:00 o'clock and it took them nearly an hour to complete their preparations.

15. About 11:15 p.m. I saw the four of them leave the Orderly Room in the Hospital and about ten or fifteen minutes later I heard a clattering sound from the slate roof of the hospital and it was very evident that the sound which I heard was caused by persons clambering over the roof. The clattering sounded very loud in the ward and when the noise on the roof stopped it was very quiet and I heard no shouting or shooting at any time throughout that night, although I lay awake for at least three hours after the four had gone. Immediately after I heard this noise on the roof stop one of the hospital Orderlies, whose name I cannot now recall, but who was a member of the Royal Rifles of Canada, came up to me and started to rub my feet to ease the pain, as I was suffering from beri beri of the feet and dysentery. This medical orderly remarked to me: "Well, they've finally got away". This orderly continued rubbing my feet for at least half an hour and then returned to the Orderly Room where I believe he remained for the rest of the night.

16. The Japanese apparently did not realize that anybody had escaped until the morning roll call which was held between 8:00 and 8:30 in the morning. Several of the Japanese came into the hospital and asked the patients various questions as to what they knew about the escape, but all of us advised them that we had heard and seen nothing.

17. The camp at North Point was surrounded by a barbed wire fence about seven feet high. Some time during the Spring or early Summer of 1942, an electric fence was constructed about eighteen inches outside the barbed wire fence and was made approximately the same height as the barbed wire fence. This

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W. A. Hall
B. H. Johnson

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electric fence was about the same distance outside the barbed wire fence all the way around the camp and although I am not sure of the exact distance between the fences, I remember on one occasion, about a month before the escape of the four soldiers, seeing a small dog electrocuted by having his nose touch the electric fence while the back of his body was against the barbed wire fence. This fence completely encircled North Point Camp except for the area directly behind the hospital where there was no fence, the fence being anchored to both ends of the hospital building.

18. During the evening of the day after the escape, I became semi-conscious and I am told at some time during the night or the following morning I was taken to Bowen Road Hospital although I was unconscious at the time. I remained at Bowen Road Hospital until the end of November, 1942.

19. While I was at Bowen Road Hospital, I remember seeing Col. Bowie and Major Boxer slapped in the face several times by one of the Naval Headquarters staff; Naval Headquarters being just down the hill from the Bowen Road Hospital. I do not now know the name of the Japanese who slapped Col. Bowie and Major Boxer but it was allegedly because there had been men seen cheering allied planes which had flown over the Hong Kong area when orders had previously been given that there would be no cheering, and no leaving the Hospital when Allied planes were in the vicinity.

20. At the end of November, 1942, I was discharged from Bowen Road Hospital and was sent directly to Sham Shui Po, where I remained until about the 19th of January, 1943. While at Sham Shui Po, I did no work and remained in the camp.

21. One evening approximately the 16th of January, 1943, Pte. Hawes, M., Winnipeg Grenadier, and myself were beaten by the Kamloops Kid. The circumstances surrounding the beating being as follows: Hawes and myself were just proceeding from one hut to another, just at dusk, when we passed the Kamloops Kid. We saluted him, as per instructions that all prisoners of war would salute all Japanese soldiers and members of the camp staff. However, the Kamloops Kid apparently did not consider that we saluted sufficiently smartly and he stopped us and commenced striking Hawes and myself, with his fist, in the face. He struck Hawes four or five times in the face with his fist, knocking him down. While Hawes was down, the Kamloops Kid kicked him as hard as he could all over the body. Hawes managed to stand up and was again struck in the face four or five times by the Kamloops Kid, and was knocked down a second time. From time to time while the Kamloops Kid was hitting Hawes he struck me hitting me in the face with his fist four or five times, but he took most of his vengeance out on Hawes and I was able to get off comparatively lightly. The Kamloops Kid was about 5'8 1/2" tall, weighed about 165 lbs., and was between 25 to 30 years old. He was a good looking and always very smart and neat in appearance and was clean shaven. He did not wear glasses.

22. On or about the 19th of January, 1943, I was sent in the first draft of Canadians from Sham Shui Po to Japan, where we arrived at Nagasaki after a trip of about five days. On arrival at Nagasaki we

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were sent directly by train to Camp 3"D" at Kawasaki, which is between Tokyo and Yokohama. About five hundred Canadians under Capt. Reid, R.C.A.M.C. were in the draft which went to 3"D", and 3"D" was entirely Canadian; we being the first prisoners to occupy this camp. There were British and American camps in the vicinity of 3"D" but we had no communication with them.

23. All the time I was at Camp 3"D", Lieut. "Wamori" was the Camp Commandant, and he appeared to be fair in his treatment of the prisoners of war. Lieut. Wamori was about 5'10" tall, 35 years old, and weighed about 170 pounds. Lieut. Wamori stated that he was interested in athletics and he appeared to be well built for an athlete and was always smartly dressed.

24. While I was at 3"D", I worked in the ship yards of the Nippon Kokan Ship Yard Company. I reamed ships plates. I worked until about February, 1944, on reaming ships plates and the balance of my time in 3"D" I was on the "Clean-Up Gang".

25. I was in the hospital at 3"D" with Yellow Jaundice for about a month during July and August, 1943. During this time I saw S/Sgt. West and Rfmn. Patingale being exercised around camp during the morning by various members of the camp staff and on several different days I saw them beaten by members of the Camp Staff and by the guards outside the guard room. I believe that practically every member of the camp staff struck S/Sgt. West and Rfmn. Patingale at some time while they were being held under arrest. I saw on various occasions at this time, Yamanaka, Baba, Kondo, and Shabata, strike S/Sgt. West and Rfmn. Patingale. They would be slapped and punched in the face and on one occasion I saw them being hit with a rubber hose.

26. Two or three days after I was released from the hospital, Kondo came into the hut one night with S/Sgt. West and made everyone stand to attention until the identity of the person from whom S/Sgt. West had obtained the shoes, had been determined. We stood at attention for about three hours until finally S/Sgt. West felt that there was no use in us all being punished and he pointed out Sorocho as being the person whose shoes he had obtained; whereupon Kondo struck Sorocho with his fists ten or twelve times and then took him with S/Sgt. West to the guard room. We were then permitted to go to bed.

27. On nearly every occasion in which Kondo beat up S/Sgt. West, Pete the Tramp, whose real name was "Ushita", was with him, and from time to time he would strike S/Sgt. West as did the other members of the camp staff.

28. About the middle of December, 1944, I was sent to Headquarters Camp in Tokyo with twenty-two other Canadians from Camp 3"D". I remained at Headquarters Camp for three and a half months and while there, I was employed unloading rice, iron ore, paper and several other commodities from box cars. There were more than five hundred prisoners of war

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at Headquarters Camp when I arrived, with the majority being British and American. Our group of twenty-three were the only Canadians at the Camp, until February, 1945, when another seventy Canadians arrived from Shina Gawa.

29. While at Headquarters Camp I was beaten up by Sergeant Watanabe in January, 1945. The circumstances surrounding the beating were as follows: One of the prisoners of war had been doing a paint job in the camp and had left the tin of paint with the lid uncovered and the paint pot in the wrong place. Sgt. Watanabe immediately called out all Canadians and proceeded to beat us up with his fists and a stick. He struck me with his fist eight or ten times and also hit me across the neck with a stick which was slightly larger than a broom handle. I was knocked down twice but did not require medical attention, although I received a cut over my eye. I suffered no permanent injury.

30. Some time after my beating by Sgt. Watanabe I saw S/Sgt. Barton knocked down and beaten by Sgt. Watanabe. The circumstances surrounding the beating were as follows:- S/Sgt. Barton was late for his lunch one day and was in the middle of eating when Sgt. Watanabe came into the hut. Sgt. Watanabe insisted that when he came into the hut everybody would stand and bow and remain in that position until he granted permission for them to carry on. S/Sgt. Barton stood up and bowed as required but upon Sgt. Watanabe giving the order to carry on S/Sgt. Barton apparently sat down too quickly, which annoyed Watanabe, who went up to Barton and struck him ten or twelve times in the face with his fist, knocking him down and kicked him. He then pushed Barton out of the hut and continued kicking and hitting him for several minutes. This beating continued for about fifteen minutes and then Watanabe walked away and ordered S/Sgt. Barton to report to him at the orderly room that night. S/Sgt. Barton stated later that upon reporting to the Orderly Room he was made to stand outside the Orderly Room for about an hour and was then dismissed. S/Sgt. Barton received several bruises and several sore ribs as a result of the beating which I witnessed but he did not require medical attention. I was standing beside S/Sgt. Barton in the hut when Sgt. Watanabe started to beat him.

31. Sgt. Watanabe was nick-named the "Bird". He was about 5'6" tall, 30 years of age, weighed approximately 150 pounds. He was of medium build, clean shaven and smart in appearance.

32. About the end of March, 1945, I was sent from Headquarters camp Tokyo to Ohasi Camp 6 "B" and remained there until liberated on the 15th of September, 1945. Ohasi was approximately ten or twelve miles straight up the valley from Kamashi. There were about four hundred prisoners at Ohasi; two hundred being Canadian, the balance being British, American and Dutch. While at Ohasi, I worked in the iron mine at the five hundred feet level until the end of July, 1945, after which I worked on road construction until the 15th of August, when all work ceased.

33. About the first week of August, 1945, myself and Pte. Downie of the Winnipeg Grenadiers, were beaten up by the "Shadow", whose real name I do not know.

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Deposition of: H.6047, L/Sgt. W.A.Hall

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He was about 5'5" tall, very thin, sallow complexioned, pock marked face and wore glasses; about 35 years old, and weighed approximately 125 pounds. The following are the circumstances surrounding the beating: Downie and myself were pushing a small car on the railroad track full of rock and dirt, when the "Shadow" came up behind us, carrying his walking stick with a hammer handle on the end of it, and proceeded to give us each two or three hits across the head with the head of the handle. My head was very sore after this beating and I had a large bump on the back of my head but I did not require medical attention. I cannot explain the reason for our beating but the "Shadow" stated that there should have been three men pushing the cart as it was too heavy for only two men. It appeared that as there were only two of us pushing the cart, we were beaten.

34. I remained at Ohasi until liberated by the Americans on the 15th of September, 1945.

35. Except as herein stated I do not at this time recollect any further information of atrocities or incidents of mistreatment of Allied Prisoners of War.

SWORN before me at the City of Winnipeg }
in the Province of Manitoba, this 27th }
day of January, 1946. Consisting of }
seven pages, each signed by the Depoent)

.....
(H.6047, L/Sgt. W.A. Hall)
Winnipeg Grenadiers, C.A.

.....
(A Notary Public in and for the
Province of Manitoba).

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DEPOSITION

Canada
Province of Manitoba,
To wit:

In the matter of Personnel held
Prisoner of War by the Japanese
and in the matter of the deposition
of No. H.6007, Sergeant Thomas George
MARSH, Winnipeg Grenadiers, C.A., taken
before Major W.H. August, District
Headquarters, Military District No. 10.

I, No. H.6007, Sergeant Thomas George MARSH,
of the City of Winnipeg, in the Province of Manitoba,
a sergeant in His Majesty's Canadian Army make oath
and say:

I am No. H.6007, Sergeant Thomas George Marsh,
of the City of Winnipeg, in the Province of Manitoba,
a member of His Majesty's Canadian Army and at all
times pertinent hereto on the strength of the
Winnipeg Grenadiers, C.A.

On the 19th day of December, 1941, at Hong Kong,
Jardines Lookout position, under Lieutenant Birkett,
I was wounded. The Japanese troops, I do not know
the regiment, stormed the position, which was a
platoon position at the top of the hill and overran
it. All who were living or wounded, showing signs
of life, were bayoneted. The Japanese thought I was
dead and left me alone. When I came to that night
I tried to crawl back to our own lines but was taken
prisoner by a Japanese patrol. They took me to a
sort of Headquarters. I do not know the name of
the Japanese regiment concerned at this time. The
Japanese at this Headquarters were red of eye,
frothing at the mouth and the soldiers seemed to be
out of control. I was of the opinion they were under
the influence of some sort of dope at the time.
Many prisoners were being brought in from the
Winnipeg Grenadiers, Hong Kong Volunteers, two
British regiments and Indian troops. The prisoners,
the sick and the wounded prisoners as well as those
who were physically fit, were herded into a kitchen
or mess hall, which was being shelled by our own
trench mortars. Most of the boys were wounded and
were crying for water. This was refused by the
Japanese. The place was so crowded there was no
place to lie down and in fact some of the wounded
were stood on. I was lying on a dead Canadian
and beneath him was a living Chinaman who was trying
to get up. I tried to help him get up but the crush
was so great it was impossible to do so. Shortly
after this two trench mortar shells hit the building,
killing a third of the prisoners in this building
and started a panic. Those who could tried to get
out at the door and these were bayoneted to death
by the Japanese sentries. This was on the 20th day
of December, 1941, and I cannot recollect the names
of any of the individuals who actually took part in
the bayoneting or who were in charge of the building
nor do I know any of the Japanese regiments concerned
I heard it rumoured later that the Japanese troops
in charge of this building at the time were Formosans

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No attempt was made to help the sick and wounded nor to take any of the prisoners out of our own fire. We were kept there until the Japanese had driven our own lines back beyond range. This place where we were held was near the Canadian Headquarters and we had been sent up there to relieve Brigade which had been cut off. It was Wan Ni Chang Camp.

I was semi-conscious at the time, coming to and passing out periodically, and I don't know how long we were kept in this building but I believe six or seven hours. Everybody who could walk was ordered out in the evening around six o'clock and our hands were bound very tightly behind us with wire. The binding on my hands was so tight that they stopped all circulation. I was in a party of seven and we were marched to the edge of a cliff where the Japanese soldiers set up a machine gun and prepared to execute us on the spot. Before the order to fire was given a Japanese officer came up and ordered the Japanese soldiers to take us further down the road. We were taken further down the road and a platoon of Japanese soldiers was called down out of the hills. They came down, fixing their bayonets as they came, and lined us up against the wall, going through the motions and leading us to believe they were going to bayonet us. At this point another Japanese officer or NCO, I am not sure which, came along and ordered them to take us further down the road and we went some distance on when we joined some other prisoners. We formed a column and we started on a march down towards the harbor. All of the prisoners in this column had their hands bound tightly behind their backs. We were bound together in addition in groups of seven, which made it very hard to walk and we couldn't support the wounded. An Englishman behind me, who was wounded, said he couldn't make it, fell out and dropped. The Japanese cut him loose and took him into a ditch in the road and I saw them bayonet him to death. This is the only actual killing that I saw at that time, although I was advised later on by some of the prisoners in the column of many other instances where wounded, having to fall out, were bayoneted to death and I personally saw several bodies lying at the side of the road bayoneted to death which we passed.

We were finally marched down to the harbor. This was a seven or eight mile march, uphill and downhill. There was no food nor water during the march. A lot of the men were badly wounded. I personally had been shot through the head, the bullet entering in front of my right ear and came out just in front of my left ear. I had a bullet through my right leg and a broken arm.

The prisoners who had been unable to walk had been left in this kitchen that we had first been confined in. I know two of our Officers, brothers by the name of Mitchell, were left there. Neither I nor anyone else I know of heard of or saw them after that and I am of the belief that they were bayoneted to death along with all of the others who remained there.

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At the end of the march we arrived at what had originally been a civilian internement camp which had been shelled and was badly wrecked. The building I was put in had the centre out of the hut. There we were cut loose by prisoners of war already there. There was nothing to lie on but the cement floor and I was in such an exhausted condition that I immediately went to sleep and I do not know much of what happened at this camp. I have been informed and I believe that during the night I was at this camp civilian women were raped by the Japanese. A British Officer tried to stop it and was killed by the Japanese. I do not know the name of the Commandant of this camp or any of the members of the Japanese guard but it was looked after by a combatant unit of the Japanese army. At this camp one bucket (approximately five gallons) of rice was given to the hut as food. This was all the food or drink I saw excepting some water that was obtained by the men from outside and it looked like drainage water.

At the harbor we were crowded into barges for the purpose of being taken to the mainland. They jammed us on the barges so thickly that we wouldn't lie the wounded down and had to prop them up. At this time some of the wounded who had made it that far had to be carried. While going from Hong Kong to the mainland our own artillery opened up and the barge next to the one I was in was blown up. Prior to getting on these barges they had come from the mainland to the island loaded with ammunition and the British Indian troops, who were prisoners of the Japanese, were forced to load the ammunition, and I saw several of these Indian troops struck and knocked down by the Japanese while they were working at this job.

On arriving on the mainland we were sitting at the side of the road and a high-ranking Japanese officer, about fifty years of age, very fat, approximately 5'2" in height, wearing a great many ribbons, dressed in Japanese officers' boots, carrying a sword and wearing pouches, and with bright tabs on his collar, walked up and down the line. He stopped and asked me why I had come over to fight the Japanese. I told him that we were only defending our Empire and he thereupon hit me with his hand or fist and knocked me over. I was weak at the time.

We were marched to Ste. Therese Convent where we were given medical attention by a Japanese orderly and the nuns of the convent.

After a few hours in Ste. Therese Convent I was taken to Argyle Street Civilian Internement Camp and put in a hut with the wounded. The Japanese had field artillery set up in a field right next to the camp, shelling the island of Hong Kong. I had one blanket that the members of the convent had given me. A great many of the wounded had no blankets. There were some rice bags around which were used as blankets. The doctors were civilian doctors, Portuguese and British. They told us there were no medical supplies but they did the best they could without them. At this place we suffered from lack of medical supplies. Amputations were made without ether. The flies were thick and here a great many of the prisoners contracted dysentery and numbers of them died.

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There was a shortage of sanitary supplies and the place was infested with flies and everyone became lousy.

At Argyle Street many of the prisoners were tied up, beaten, left out in the elements, either rain, snow or cold, for petty offences, and were refused food and water. Many suffered from pneumonia and other illnesses by reason of their exposure. I do not know the names of the Japanese personnel connected with this Camp. This would be during the months of December, 1941, and January, February and March, 1942.

At the beginning of March, 1942, I was transferred to Sham Shu Po, where I was quartered in a cement barracks and forced to lie on a cement floor. The building had no windows and no doors. The doors and windows had been removed before we arrived. There were no washing accommodations. The only sanitary arrangements were what we made ourselves. I might state here that it was the usual practise for the prisoners to be beaten by the Japanese soldiers, who did that at every opportunity. I cannot give the names of any people who were actually beaten but I do not think there was a prisoner in the camp who was not beaten at some time. I was beaten myself over the head many times. The Japanese had the knack of hitting you with the open hand just underneath the jaw which would practically knock you out. They would call you to attention and then strike you. I do not know the name of the Commandant or any of the Japanese soldiers involved at that time.

Sometime around June, 1942, I was moved from there to North Point Camp, Camp H, Hong Kong. It was commanded by Lieutenant Watanabe. Here we had insufficient to eat and no medical supplies. There was general neglect at this camp. Beatings were common. There were some Japanese guards who did what they could for us, giving us cigarettes, but many others abused the prisoners. Here when we had a general inspection food supplies were brought in, vegetables were put in the kitchen, and after the inspection these supplies disappeared.

From here, on the 25th of September, 1942, I was returned to Sham Shu Po. I do not know the name of the camp there. Again there was insufficient food. Malnutrition was common. Deaths from dysentery and diphtheria were common in camp. There was something like seven a day dying from this trouble. Some of the boys had beriberi. Those who were seriously ill were put in what we called the agony hut. The only attention they got was from orderlies which we supplied from our own men and medical supplies were not furnished by the Japanese. A great many of the men in this hut died from lack of treatment.

It was during my stay at this camp that I first met a Japanese who I later was told was the Kamloops Kid. He was about 5'8" high, weighed about 150 pounds, shaved head, slight stoop and had a peculiar manner of walking with a marked jerky step. I first met him when I was on a working party. He stopped and said to me "You guys will get what is coming to you now. They rode me in Canada and now I can kill you if I wish. Some time later he caught me stepping

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over a piece of barbed wire which he claimed was a part which I was not supposed to step over and he beat me with his fists at that time. Later on I was present at roll call when there was some trouble over the parade state and I saw him beat Captain Norris of the Grenadiers, knocking him to the ground and kicking him on the ground. Captain Norris was some days recovering. Also at the same time and place he beat up another Officer of the Royal Rifles, a major. The Camp Commandant, whose name I do not know, was present, saw the beatings and did nothing about it.

We left Sham Shu Po around the 19th of January, 1943, and arrived at Camp 3D, Kawasaki, Tokyo Area, about the 26th day of January, 1943. At this camp Alex Baraskowich, of the Winnipeg Grenadiers, was severely beaten by Baba, Shababata and Yamanaka, who were the camp staff guards. I did not see the actual beating but I saw Baraskowich afterwards and he told me about it. I would also like to mention here the interpreter who was there at the time, Quinanagi, who was nick-named Mushmouth. He was very helpful and kindly disposed towards the prisoners of war, helping us in many ways and he, at this time, intervened in the beating of Baraskowich and saved him further beating.

It was at this camp that we were working in the shipyards. When we would come in at night from the shipyards the guards would make up some story which so far as we could tell was usually a myth about breaches of discipline. The result invariably was that some prisoner was beaten over the head with the hand or fist and the whole party was forced to stand out at attention for anything from one to three hours. Some of the boys used to think that this was done mostly on wet nights but my own recollection is that it was a fairly regular procedure and that the nights did not matter much. We were forced to stand in the cold and a great many times in the wet. The result was that there was considerable sickness from these exposures, mostly pneumonia, and I think a great many deaths resulted from it. The man responsible for most of this type of incident was a Japanese by the name of Yamanaki, who I referred to before. Lieutenant Watanabe was Camp Commandant of this camp. I might add that when Lieutenant Watanabe was present very little of this type of incident happened but he was very seldom present and during his absence it was quite common.

It was also common in this camp for mass punishments for breaches of discipline of individuals. If anything was done wrong in ~~our~~ our hut the whole hut was forced to stand at attention at the foot of their beds without being allowed to put anything else on except what we had on in bed, which was sometimes very little. The weather was cold. There were stoves in the hut but they were not lit. On one occasion the ash tray in the hut had not been filled with water and they lined us up in the corridor in two ranks facing each other and we were forced to beat each other up. If any two men did not beat each other hard enough the guards came along and did it.

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The man responsible for this incident and others of the same kind was this Japanese called Baba, who acted as Orderly Officer in the camp. It was at this camp that a Brigade signaller called Allister, who had obtained a winter hat, wore it on parade with the flaps down. The guard named Yamanaka beat him over the head with his rifle, knocked him down, cutting his head and resulting in Allister's going to the hospital for ~~some time~~. It was also at this camp that one of the prisoners, a French-Canadian of the Brigade signals, Lavroux, was forced to do push-ups over a shovel of hot coals which were pushed under his stomach. He was forced to do the push-ups until he fell exhausted on the hot coals. He rolled when he fell on them but they burned him some. This was done by a guard whose name I do not know but who was known as Moose Face and he held the job later taken over by Yamanaki. Moose Face was about 5'3", between 140 and 150 pounds, with a long upper lip. I do not remember any other characteristics. He would be approximately 40 years old. I am not sure.

On the 13th of May, 1945, I was crowded into a train and taken up to Camp No. 1, Sendai Area. Here we were forced to work in the coal mines. At this camp we had insufficient food. We had a can of rice three times a day plus a bowl of soup which was made mostly out of greens. Here also the Red Cross parcels were broken up by the Japanese and the articles from them were issued to the men who did the best work in the mines according to the recommendation of the bosses. I was informed and believe that our officers protested against this, and were told that starting in the spring of 1945 the Japanese had taken over all Red Cross supplies and we would never get the Red Cross supplies unless they wanted to give it to us.

I do not recollect anything further that I saw myself. I heard about a soldier by the name of Private McIntyre being beaten up by the Gypsy, his name I do not know, at the mines, and I also heard of Corporal Henderson being beaten up in the fields by a Japanese civilian called Tsuda. This Japanese called Tsuda, some time around the first or second week in June, 1945, beat me up with his hand or fist. I was a sergeant in charge of some men, having learned some Japanese at Kawasaki. He asked me if I understood Japanese. I said yes. He then spoke to me in Japanese but the Japanese used in this area was not the same as used at Kawasaki and I did not understand him. Because I did not answer him he brought me up to attention and beat me over the head.

Except as herein stated I do not at this time recollect any further information or incidents of any atrocities against or mistreatment of Allied prisoners of war.

SWORN before me at the City
 of Winnipeg, in the Province
 of Manitoba, this 14th day of
 January, 1946, consisting of 6
 pages each signed by the
 Deponent.

(H.6007, Sgt. T.G. Marsh)
 Winnipeg Grenadiers, C.A.

A Notary Public in and for the Province of Manitoba.

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C. S. M. Hambleton F. A. S. C. Exhibit N. 37
 On Sun 20th. Dec 1941 I was sent with a

party from "The Ridge" near Wong Tai Hong with
 the object of securing the Japanese line between
 Deep Water Bay and Wong Tai Hong. We
 proceeded down the main road towards
 Bay. When we reached the fork of the
 Road which leads to Deep Water Bay we
 ambushed by Japanese. Most of us succeeded
 in getting past the ambush. After securing the
 Japanese position with concentrated fire we
 proceeded to "Overlays" arriving about 2 a.m.
 on 21st. to attend to our wounded.

Next morning we were surrounded by Japanese
 snipers, who from inviolable positions in the
 undergrowth made our position very
 uncomfortable. We held our position in
 "Overlays" all that day against Japanese
 attacks. I was wounded during the day
 by a Japanese sniper in the left thigh.

At 7 p.m. we were instructed to get out
 of "Overlays" & proceed to Kipah Bay Hotel
 C. M. S. Singleton R. A. S. C. was left behind.

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香港停火後
 所

00279

to attend to our wounded. We left
 "Overboys" in small parties each under an
 officer. We proceeded to Kipapa Bay where
 we saw the hill side, but owing to darkness &
 difficulties of descent we split up into
 still smaller parties. We were ambushed by
 reaching our objective & I was forced to fall
 back into "Buckliffe" where I picked up
 3 R.R.C's. After the fighting had quietened
 down. We took refuge in a gardeners out house
 there we stayed all night. Looking through the
 window at daybreak we saw that Japanese were
 in complete control of the house & appeared to be
 using it as headquarters. It was impossible to escape
 during daylight so we decided to wait until nightfall
 before we moved. The Japanese started firing
 gradually all the vacant rooms & looked out houses
 & very soon the door of our out house was
 broken down & we were taken prisoner.
 After stripping us of all arms & equipment
 the Japanese proceeded to beat us up badly
 with rifle butts. Then as they surrounded the
 out house they fired 5 rounds of ammunition
 into the room & then they started firing
 then to the head of the house.
 They then took away all our clothing & used
 it to bind our hands behind our backs

no one else had
 do we proceeded
 back to the
 us - the day
 We were taken
 of the main building
 We knew then
 because on top
 blood & at the
 sea were visible
 that they had
 down.

The Japanese
 our feet over
 changed their
 feet over the
 & firing squad
 house & then
 shot. Owing
 to my head to
 fired at the
 above the left
 my right cheek
 consciousness

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00280

to attend to our wounded. We left
 "veboys" in small parties each under an
 officer. We proceeded to Republic Bay Hotel
 on the hill side; but owing to darkness &
 difficulties of travel we were split up into
 still smaller parties. We were embarked before
 reaching our objective & I was forced to fall
 back into "Encliffe" where I picked up
 R.R.C's. After the fighting had quietened
 down. We took refuge in a gardener's out-house
 where we stayed all night. Looking through the
 window at daybreak we saw that Japanese were
 in complete control of the house & appeared to be
 using it as headquarters. It was impossible to escape
 any daytime so we decided to wait until night fell
 when in the morning the Japanese started
 ransacking all the vacant rooms & locked out houses
 & very soon the door of our out-house was
 broken down & we were taken prisoners.
 After stripping us of all arms & equipment
 the Japanese proceeded to beat us up badly
 with rifle butts. Also as they disarmed the
 Canadians the clips of 5 rounds of ammunition
 were thrown violently into their faces causing
 them to bleed profusely.
 They then tore parts of our clothing & used
 to bind our hands behind our backs

We were then tied altogether by the hands. 39
 As we proceeded away from that vicinity the
 looker found the Japanese proceeded to
 us in the leg making us jump over the beyond
 We were taken to a grass bank just outside
 of the main building of "Encliffe" & facing the water
 We knew then we were going to be shot
 because on top of the bank were pools of
 blood & at the bottom of the bank near the
 sea were dozens of dead bodies & it was evident
 that they had been shot on top of the bank & fallen
 down.

The Japanese first made us sit down with
 our feet over a water catchment & then
 changed their minds & made us sit with our
 feet over the bank facing the sea.

A firing squad was then brought from the
 house & in a few minutes we were all
 shot. Owing to the fact that I turned
 my head to the left as I was being
 fired at the bullet passed through my neck
 above the left shoulder & came out at
 my right cheek. I did not lose
 consciousness & the force of the bullet

香港仔屠殺場所

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00281

hitting me knocked me free from the sides
 of I rolled down the bank. I then lay on
 with a concrete path with my hands tied behind
 my back & the bodies of the 3 Canadians
 rolled down on top of me. One had been
 killed instantly. After the firing party had
 gone into the house I broke free & made
 for the beach towards Deep Water Bay. I then
 met up with my own troops & I eventually
 arrived in Queen Mary Hospital 2 days after
 the surrender.

W. Hamble
 A/C SM
 RASC

5.9.45

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00282

hitting me knocked me free from the others
 & I rolled down the bank. I then lay on
 with a concrete path with my hands tied behind
 my back & the bodies of the 3 Canadian
 rolled down on top of me. One had been
 killed instantly. After the firing party had
 gone into the house I broke free & made
 for the beach towards Deep Water Bay. I then
 met up with my own troops & I eventually
 arrived in Queen Mary Hospital 2 days after
 the surrender.

W. H. Hamble
 A/CSM
 RASC

5.9.45

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7.- Near the sea wall of Buxcliffe Castle we found the bodies of soldiers and sailors who apparently had been executed after being captured. The evidence on which I base that statement is the fact that many of them had their hands tied up behind their back and also that some of them had their heads chopped as if they had been struck with a sword from the rear.

All the ones I saw with their heads chopped off had wound in the back of the neck.

There was no evidence that these soldiers had been executed there on the spot. It appeared to me that they must have been executed somewhere else and thrown down the wall. They were Canadian and English soldiers and the sailors were British.

I was unable to identify every one of the Canadian soldiers though I positively identified Sergeant Travers, C.W. by his identification disc and I also identified Rifleman Bujold and Rifleman R. Briand. As I did not identify these two riflemen by their identification disc there might have been some mix-up at first, but as they belonged to my company I can say positively that I recognised them although their body was considerably bloated. These bodies were buried on the spot.

As I was the only Canadian on the burial party I cannot give the names of all the members of this party, except Lieutenant MARKEY, R.A.O.C.

8.- This is the only incident which I remember. As to ill-treatments to prisoners of war, I did not witness myself anything though I heard of several instances.

9.- As far as I am concerned I was never touched or even searched by the Japanese guards. All I can complain about is the food, quarters, clothing and lack of medical organisation on the Japanese side. But I want to say that our own doctors always did their best to help us in spite of lack of medical stores or medical organisation.

IN WITNESS WHEREOF I HAVE SIGNED,

C. Douglas Johnston
(C.D. JOHNSTON) - Lieutenant,
Royal Rifles of Canada, C.A.

SWORN TO BEFORE ME AT QUEBEC, P.Q.,
this 30th day of January, 1946,
consisting of two pages, each signed
by the Deponent.

Pierre Hecary
(PIERRE HECARY) - Major,
Commissioner for the Superior Court,
District of Quebec.

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00285

Dicks
presented

Exhibit N. 12 March 1941. W
President 16 Feb

I, the undersigned, Private C.J. DICKS, D-92784, R.C.O.C., C.A., presently attached to No.4 District Depot, C.A.,; further to my statement given and sworn before Major G.A.M. Nantel at Montreal, Quebec on the 17th day of December 1945, I want to add:

When the Japs landed on the Island of Hong Kong, I was ordered to go to the Ridge Ordnance Depot near the Repulse Bay Hotel as a reinforcement. On the 19th of December 1941, during the fighting, the 200 men of our group were surrounded by the Japanese. After discussing the situation with the officers it was decided that it was impossible to hold there. We were separated into groups of about 25 men and each group was supposed to leave separately at night and try to reach our own lines. My group left on the 19th of December at night.

On the 20th of December in the evening, we were on the road going towards the Repulse Bay Hotel when we met up with a company of the Royal Rifles of Canada. We joined the Riflemen and continued on the road until we met up with a group of ambushed Japanese. On the small knoll overlooking the road there was a machine gun nest. When the Japs started to fire on us we all scattered looking for cover.

With eight (8) other men I left the road and we took to a bush towards a civilian villa built on Repulse Bay. Once in the villa which was inhabited, two (2) decided to go on reconnaissance but they never came back and I do not know what happened to them.

gdm
Of the six (6) of us left there were, Sgt. MacNab, Corpl. Hebert, another Rifleman whose name I do not remember, myself, and two soldiers of the Imperial Army. We decided to go on the top floor where we could better observe the surroundings. After a day, we realized that the Japanese had entered the villa. After deliberating, We decided it was impossible to escape and that we had to surrender. Sgt. MacNab took off his undershirt and put it on his bayonet to make a white flag and we waited for the Japs to come up.

gdm
We opened the door of the room where we were and MacNab stood at the entrance with the white flag while the others had their hands up. Before entering the room a Jap fired at MacNab and he had his left shoulder badly injured. We were taken prisoner and brought downstairs. We were paraded to the officer who was in charge of this detachment and they made us understand that we were to be shot. They lined us against a stone wall in the yard at the front of the villa. The firing squad was ready when the officer changed his mind and they moved us besides a stone rail at the back of the villa. We were lined up outside of the railing. This stone railing was situated on the top of a pretty high cliff close to the sea ~~and we sat on the railing~~. This happened on the 22nd of December 1941. The officer took his pistol and held it between MacNab and me. When this happened I immediately threw myself down and rolled down the cliff and the others did the same. The Japanese fired at us whilst we were going down. On the beach I met one of the Imperial men who was so badly wounded that he told me to leave him because he was about to die in a few minutes. I made him as comfortable as possible and left him.

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I wandered in the hills from the 22nd to the 26th of December 1941. At noon on the 26th I was sleeping in the bottom of a water catchwell when I was suddenly awakened. When I opened my eyes, a Jap soldier was standing over me. He did not fire but told me that everything was finished and that the Allies had surrendered. He gave me some water to drink and a cigarette. He told me to rest and then to go to Stanley Village. I had been wounded by shrapnel in the ankle before I entered the villa and my face was badly cut too. I went to Stanley Dressing Station. I was there for two (2) days when I met Corpl. Hebert again. I remained in a convalescent hospital until the 7th of March 1942 and was then taken to Sham-Shui-Po Camp.

And I have signed".

J. Wicks

Sworn before me at
Montreal, Quebec, this
4th day of February 1946.

F.A.M. Nantel

(F.A.M. Nantel) Major,
Assistant Judge Advocate-General,
Headquarters Military District No.4,
Canadian Army,
Commissioner of the Superior Court for the
Province of Quebec.

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Fachleit O J. Warrick 6th Cl
President

11. THE EARLIER OF
C. 1200 Corporal Raymond
Joseph Herbert, Canadian
P.O.W. repatriated from Japan.

4.11. 87. H

1. I was captured by the Japanese at Hong Kong on or about the 22nd day of December, 1941. At the time of my capture I was in a house situated between the Repulse Bay Hotel and the Golf Course. With me in the house were Sgt MacNab and Rfn Gallant, both of the Royal Rifles of Canada, Cpl Dix, A.C.O.C., and two English soldiers, all of whom were wounded.
2. Upon our capture by a Japanese officer with a squad of about forty men, we were lined up along the edge of a bank that sloped steeply down to the sea. The Japanese officer thereupon drew his pistol and placed it behind the ear of Sgt MacNab and fired. Having seen what was taking place I jumped over the edge of the cliff and was thereupon fired on by the Japanese troops. They failed to hit me, however, and I remained still at the bottom of the cliff until they withdrew. Cpl Dix escaped in a similar manner. So far as I know the remainder who were captured with me were killed.
3. On or about the 27th day of December, 1941, I reported at Stanley Village and became a P.O.W. I was transferred to north point camp and then to the P.O.W. camp at Sham Si Po during the month of January 1942 and I remained at the last mentioned P.O.W. Camp until my release during the month of September 1945.
4. While at Sham Si Po P.O.W. Camp I was employed as a cook in kitchens which prepared food for P's.O.W. who suffered from communicable diseases. The rations supplied by the Japanese were inadequate, consisting principally of rice at the rate of between fifteen to twenty ounces per man per day, together with small quantities of fish at irregular intervals. As a result of this inadequate diet I myself lost approximately thirty pounds in weight, and the other P's.O.W. suffered to an equal or greater degree.

R. J. Hebert.

J. H. Hastings Capt.

Permanent Prosecutors General
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00289

that I found I was leading the main body had broken into my party & therefore I took command as the only officer there. I went into the Hotel & in the blacked-out entrance was informed that everything was all right & to go back & bring the men in. A RRC corporal who voluntarily entered the Hotel with me returned to the bridge with me and on arrival there I gave the signal & arranged with the main body to come into the back road. On the signal being given I was amazed to find myself being shot at from the garage on the hillside from the back side of the Hotel grounds & from gate of "Euchiffie" grounds which was approximately 60/70 yards away. The men who were congregated in the undergrowth received fire from the back side of the Hotel & the Canadian corporal with me was killed & I raced back into the Hotel & was then informed that we had no further

troops outside of the Hotel was made when I said "you've got our men"

After reporting this matter I was sent to the garage on the afternoon of 27th Hedley H.K. 5th 4. as a burial party. The mutilated bodies of a sharp gully above sea level looked

There were approx. 100 bodies but I had with this man of had captured alive & destroyed

Mt. Wynne R.H.D.C. was the man of my party was the top body of his case he had a B putke which was tight

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I found I was leading the main body broken into my party & therefore command as the only officer there went into the Hotel & in the blacked-entrance was informed that everything all right & to go back & buy the in. A RRC corporal who had entered the Hotel with me went to the bridge with me and when there I gave the signal to go with the main body to come into back road. On the signal being given I was amazed to find myself being shot at from the garage on the side from the back side of the Hotel & from gate of "Euchiffe" which was approximately 60/70 yds away. The men who were rejected in the underground received from the back side of the Hotel & Canadian corporal with me was killed & I raced back into the Hotel & was informed that we had no British

troops outside of the Hotel. The command was made when I said "You were going on your own men."

After reporting the matter to the Brigadier I was sent to the grounds of Euchiffe on the afternoon of 27th where Lt. Hedley HKSRM had several J. OKs as a burial party. She showed me the mutilated bodies lying at the bottom of a sharp gully, slope just above sea level looking out to sea.

There were approx. 15 bodies. All had their hands tied behind their backs with thin cord & had obviously been captured alive & destroyed later.

Lt. Wynne R.A.D.C. who had taken the rear of my party from Overlays was the top body of the pile. In this case he had a British Service pass which was tightly wrapped T/P

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00291

around his neck & his head was in
a badly swollen state. His hands
were tied behind his back & above the
cord wrists he had a large hole for
a rope magnet eaten at the time & appears
to have been made by a bayonet.
I often lie down in the front to rest
certain that it was a bayonet wound
not a bullet wound, the witnesses
with me were Lt. Johnson R.R.C.

Sgt. ~~Ed~~ Emerson R.R.C. & Lt. J.
Harden R.R.C. The whole of this
party had been destroyed in a
similar manner. Just about sea
level Lt. Hedley then showed me 2
J. C's with their heads chopped off
& one H.K.V. ^{DC.} private with his head
cut from crown to his shoulder.

These 3 bodies were buried about
sea wards at the back of Buliffe
grounds. The rest of the bodies
previously found was lost by wind
& oil owing to lack of assistance.

the unreasonable attitude
Japanese.

W. J.

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and his neck & his head was in
badly swollen state. His hands
were tied behind his back & above the
wrist he had a large hole being
eaten at the time & appeared
to have been made by a bayonet
after his time at the front to indicate
that it was a bayonet wound
not a bullet wound, the witnesses
with me were Lt. Johnson R.R.C.

Sgt. End Emerson K40C & Am/Sgt
Larkin R.A.C. The whole of this
party had been destroyed in a
similar manner. Just about sea
level Lt. Hedley then showed me 2
D.O.s with their heads chopped off
& one H.K.V. ^{DC} private with his head
cut from crown to his shoulder.

These 3 bodies were buried looking
sea wards at the back of bulge
grounds. The rest of the bodies
previously found was lost by petrol
& oil owing to lack of assistance.

of the unreasonable attitude adopted by the
Japanese.

W. Marbury
R.A.C.

5.9.45

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O. acc

H. Marbury RAC

From North Point F.O.W. Camp I was instructed to proceed to "the Ridge" to obtain talking of necessity for prisoners on 2nd Jan. 1942

Major King accompanied me as well as an arrival at "the Ridge" I found over the retaining wall looking toward Deep Water Bay approx 6 bodies one of which I identified as Sub/Conductor Hearn of my unit. The whole of the party had then been tied behind their backs & appeared from their position to have been lined up on the lower house no. 23 which had a 14" wall at that point with a approx drop of 10 1/2 feet. They had either been shot or bayoneted and in this case was difficult to prove owing to the major action. But it proved without doubt that they had been taken prisoners

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Exhibit R. 51
H. J. Barnett Lt. Col.
Barnett

I, the undersigned, Captain James BARNETT,

CANADIAN CHAPLAIN SERVICE,

being duly sworn, states:-

On 25 December, 1941, at 0600 hours,
the Japanese troops entered St-Stephen's Hospital. On
the first floor, where I was, there were approximately
100 patients and 7 nurses. I saw five unknown Japanese
soldiers bayonet intentionally about 15 to 20 wounded
soldiers in bed. Rifleman B. Sweet was one of them;
I cannot remember the names of the others; I think Sweet
lost his arm through it, but I am not sure.

All the patients who could walk, the
staff of the hospital and myself were herded together,
searched and put into a storeroom. We were left there
for about one hour and then, we were moved to a smaller
room. The nurses, who were with me until that time, were
then separated from me and placed in a separate room. I
saw one of the nurses (Mrs. Duxton) hit on the head with
a steel helmet, slapped in the face without any reason,
and kicked by a Japanese soldier. Then, about 90 men were
placed in my room. We were so tightly packed that we could
not all sit down together. We remained in that room from
seven o'clock in the morning until 1600 hours, with nothing
to eat and no sanitary arrangements and we had about eighty
wounded soldiers who had to lay down here and there.

During that morning, a Japanese soldier

J. H. Barnett James Barnett
(Author) (Deponent)
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cape in the room and made us put up our hands. He then stole my watch, my ring and some money. I noticed he did the same thing to the others; I do not know the names of those who were my neighbours. Later on, another unknown Japanese soldier came with a sack full of 303 bullets and started to throw them in our face. After that, another unknown Japanese soldier came in and took out Rifleman E.J. Henderson, a patient in the hospital. He took him out of the room; immediately after that, we heard screams right in the corridor, near our room and I believe these screams came from Henderson.

A little while later, another Japanese soldier came in and took out Rifleman MacKay, in the same corridor. We heard more screams, which I believe came from MacKay.

At about four o'clock in the afternoon, another Japanese soldier came into the room and ordered us all out. He told us, through sign language that the war was over.

On 26 December, in the morning, a Japanese N.C.O. or officer told me I could move around. I immediately began a tour of the hospital to see what damage had been done and what casualties there were. I noticed that a number of our *affixed J.B.* men, I would say approximately 70, had been bayoneted in bed and were dead. Others were seriously wounded (bayonet wounds), but I cannot say how many. I can definitely say that the patients,

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who were bayoneted in bed, were not armed. In that tour of inspection, I discovered the bodies of MacKay and Henderson, one of them was in the corridor, the other was in the steps near the main exit. Both bodies were badly mutilated, eyes, ears and tongues cut out. On the ground of the hospital, I found the bodies of Lieut.-Col. Black and Capt. Whitney very badly mutilated. They were cut to pieces. I then saw four of the nurses coming to me. They were in a dreadful state. They were Nurses Gordon, Fido, Andrews, Labing and Simmons. Miss Gordon told me that she had been assaulted and that they all had a very bad time throughout the night. Three of the nurses were missing.

I began to organize burial parties, but Japanese soldiers forced me to cremate the bodies.

I cremated about 170 bodies, some from the hospital and some from the battlefield. I remember that the bodies of Rfn. Mackay and Henderson were cremated and there is no doubt in my mind that they were dead when they were carried to the fire because their bodies were cold. Most identity discs were missing from the bodies I discovered. I made a list of the dead soldiers being carried away to be cremated, but the Japanese soldiers took this list away from me at noon and forbid me to make a new one.

During that morning, Nurse Fido came to me and said that a Japanese soldier wanted her to go out

[Signature]
(AUTHORITY)
[Signature] James Barnett
(DEPONENT)

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of the hospital with him and that he had made signs to her indicating that he had found the three missing nurses. Sgt. Peasegood of the R.C.A.M.C. and myself went with her. The Jap took us to a clump of bushes about 100 feet from the hospital and there we found the dead bodies of the three nurses, Mrs. Bague, Mrs. Burton and Mrs. Smith. The bodies were covered with a blanket and I did not look to see their wounds. I read the burial service over them and ordered the stretcher bearers to take them to the funeral fire.

The matron of this Hospital, Miss Gordon, told me that she had been forced to lie on dead bodies and used by the Japanese as they desired.

Mrs. Fido told me that a Japanese had told her that all the people in the hospital were to be executed to revenge the death of his brother who had been killed.

On 25 December, the Japanese looted the hospital from food and all kinds of stuff. I saw them taking truck loads of equipment. On 27 December, at night, I had my first meal since December 24. This was food which had not been discovered by the Japs.

On 30 December, we were forced to march from Stanley Barracks to North Point (about 10 miles). We were about 2500 officers and men. We arrived at North Point early in the afternoon and we found the barracks in a filthy

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condition. It was a camp to accommodate about 600 men. We were over 100 men each hut. These huts were built to accommodate about 35 men. I cannot give the measurement of these huts. There were flies by the thousand, bedbugs by the hundred. There were no toilet facilities, no water. All the windows were smashed and were not repaired. The roofs were leaking very badly and we were not given the material to repair them for a long time.

The men had no eating utensils.

They had to use tin cans, hub caps of trucks, whatever they could find. Most of the men were issued with one blanket only. There was no hospital in North Point. An old tent was used as hospital. There were no beds and no water in that tent. I had to spend ten days there in January, 1942, because I had dysentery. I could not shave and could not wash myself during the ten days I was there.

The food in that camp was terrible.

In January, 1942, we still had some of our army rations. We had a supply for about three months, but the Japs came in and stole it from us. We then started on rice of a very poor quality, filled with worms, etc... Here and there, we got a little fish and up to July, 1942, we were given about a couple of ounces of meat once or twice a week. I mean we

James Bennett
(DEPONENT)

D. H. H. H. H. H.
(AUTHORITY)

...../6.

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were given a couple of ounces of meat once or twice a week in the beginning, but it was cut down gradually and from July, 1942, until August, 1945, we did not get any. I cannot give the exact quantity of food we were given each meal, but for the last two years, we were given two ounces of rice for breakfast. In North Point, each man was allowed to have one pound of rice per day, 1/2 pound of vegetables, a little bit of meat and fish here and there and very little of peanut oil, per day.

The medical supplies in North Point were very low, but I cannot give any precision. Major Crawford probably could give information on this subject.

While in North Point, I do not remember the date I have seen a Chinese civilian killed by a Japanese soldier. He jui-jitsued him and bayoneted him. He then threw him in the sea. I have seen many Chinese civilians tortured by Japanese soldiers. They attached them to a post in the hot sun and left them for periods varying from three to four hours to twenty-four hours.

James Bennett
(DEPONENT)

[Signature]
(AUTHORITY)
James G. [Signature]

...../7.

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I did not see any beating in North Point and I did not hear of any.

On the night of the 19th of August, 1942, four men escaped. For this, the Japanese would not let the Canteen come to camp, depriving us of the privilege of buying extra food. The usual daily rations were also cut down to two thirds, but I cannot say if this was done on account of the escape.

On 29th August, 1942, the guards thought someone had escaped. This was reported to Lieut. WADA and Colonel Tokunaga. The Colonel came to camp and called for a muster parade. We were on the parade square from eleven o'clock at night until 0500 hours the next morning. The sick men were forced to go out on that parade. Some men had to be carried out on stretchers and they were left there as all of us in the pouring rain. It rained most of the time during that night and we were all soaked to the skin. We were not allowed to have our raincoats on and some men who had it were forced to take it off.

On 3 September, 1942, I was sent to Bowen Road Hospital as a patient. I remained there until 23 January, 1943. The conditions, generally, were not too bad although the food was not good. We had the same amount of food as in North Point; the chief diet was rice, fish and vegetables, around five ounces of food a meal.

James Bennett
(DEPONENT)

J. H. H. H. H.
(AUTHORITY)

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- 8 -

In the beginning of November, 1942, while in hospital, I saw Colonel Bowey, a British Officer, beaten up by Doctor Saito because some of the patients cheered during the first American air raid. Colonel Bowey was commanding the hospital at that time. Dr. Saito was in charge of prisoners of war. Dr. Saito beat Colonel Bowey with his fist.

On my release from hospital, in January, 1943, I was sent to Shamshuipo. The living conditions were as bad as in North Point. The huts were filled with bedbugs. There were no windows, no doors on. We were about 50 men per hut built to accommodate about 30 men. The men had to sleep on boards, but in the beginning of 1944, we were given iron beds. Apart of being crowded and living in filthy huts with no doors and no windows, the accommodation was not too bad.

In the last two years of my stay there (1944 and 1945), the food was particularly bad. The diet was rice and vegetables only. The day's ration was a pound of uncooked rice and half a pound of vegetables per day. For a period of about four months, we had about an ounce of beans per day per man. The monthly ration of sugar was about seven ounces and from eleven to fifteen ounces of peanut oil per month. That rice was dirty, filled with worms.

[Signature]
(AUTHORITY)
[Signature]

[Signature]
(DEPONENT)

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With that poor ration, our men were forced to work. They had to dig tunnels and work on the Airport.

I was told that some of the men were beaten up but I do not remember the names of those who were beaten. Most of the time, I know they were beaten without any serious reason with sticks or fists.

During the raids, several men were wounded by anti-aircraft shrapnels. This happened in October, 1944, and April, 1945. I remember that Lieut. Eugent, Cpl. Briton, Rfm. Leboeuf were injured during these raids.

I remember that in July, 1943, a radio was discovered in one of the huts. Lieutenant Muldekopper took the responsibility for his men and he was badly beaten by the guards. I presume he was beaten with belts, sticks, fists. I saw him after that beating and his face was badly bruised and swollen.

I do not remember of any collective punishments in Shamsuipo.

On 30 August, 1945, petty officer Jack

James Barrett
(DEPONENT)

[Signature]
(AUTHORITY)

...../10.

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HAVES, H.M.C.S. Prince Robert came into camp and took
photographs of men huts and other buildings. He should
have a fine collection of photographs to be used as
evidence.

IN WITNESS WHEREOF I HAVE SIGNED,

James Barnett
(James BARNETT) - Captain,
Canadian Service Chaplain.

SWORN before me at Headquarters,
Military District No 5, Quebec, P.Q.,
the 5th December, 1945, consisting
of ten pages each signed by Deponent.

J. Alfred Crowe
(J. ALFRED CROWE) - Major,
A.J.A.G., M.D. No 5,
Justice of Peace - District of Quebec.

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00304

C A N A D A

PROVINCE OF QUEBEC.

TO WIT:

- A F F I D A V I T -

(IN THE MATTER OF Canadian
(Prisoners of War at Hong-Kong
(and Vicinity.

Je, E/30318, Donat BERNIER,

demeurant at 230, rue St-Louis, Warwick,
Cte d'Arthabaska, Province de Quebec, un
fusilier dans l'Armee Canadienne, etant
assermente, declare:

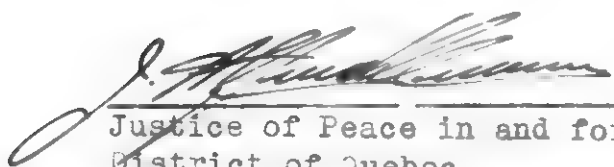
1.- Dans la vie civile, j'etais etudiant et je
me suis enrole en sortant du college.

2.- J'etais fusilier dans les "Royal Rifles of
Canada" et j'ai pris part a la defense de Hong-Kong. Le 25
decembre, 1941, lors de la reddition, j'etais a l'hopital St-
Stephens; j'etais de garde au premier etage.

3.- En temps de paix, cette batisse servait
d'ecole et on l'avait transforme en hopital. Au deuxieme etage,
il y avait des blesses qui couchaient sur des matelas etendus
dans les marches de l'Amphitheatre. Les Japonais ont envahi
l'hopital par le deuxieme etage vers 5 cinq heures du matin;
il faisait noir a ce moment-la et les Japonais avaient des
"flashlight" vertes. Bien que je ne pouvais pas distinguer
clairement, je les ai vus tuer a coup de baionnette les malades
qui etaient etendus sur les marches. Il devait y avoir a ce
moment-la cinq ou six malades. J'ai vu leurs cadavres le lende-
main matin. Ceci s'est passe avant la capitulation mais nous
avons ete fait prisonniers a ce temps-la et tout le monde etait
desarme. Parmi ces six blesses, il y avait deux Canadiens, un
Hindou et les trois autres etaient des soldats britanniques; je
ne sais pas leur nom. Les deux canadiens faisaient partie du
regiment des Grenadiers de Winnipeg.

4.- Dans le courant de la journee du 25 decembre
1945, les Japonais nous ont reunis dans une chambre au deuxieme
etage; nous etions 90 dans une chambre de 12 x 10 environ. Il
y avait des blesses qui etaient etendus par terre et nous etions
obliges de marcher sur ces blesses. Nous sommes restes la de
5 heures du matin jusqu'a 7 heures du soir sans manger et sans
aucun secours. Les Japonais se tenaient a la porte avec des
mitrailleuses. Un blesse est mort dans cette chambre durant la
journee. Le capitaine Barnett, notre padre protestant de notre
regiment, etait avec nous dans cette chambre; c'etait le seul
officier du regiment qui se trouvait la mais il y avait aussi
des officiers anglais.

5.- A un moment donne, les Japonais ont pris
deux soldats dans notre chambre; je ne me rappelle pas leur nom
mais l'un d'entre eux faisait partie de notre regiment. Je les
ai entendus crier quelque temps apres; ils pouvaient etre dans
le passage ou dans la chambre voisine. Le soir, lorsqu'on nous
a fait sortir de la chambre, les officiers et les soldats japo-
nais etaient alignes de chaque cote du passage et lorsque nous
sommes passes pour aller dans notre chambre, ils nous frappaient
a coup de baton et a coup de sabre.


Justice of Peace in and for the
District of Quebec.


(Deponent)

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6.- Le lendemain, le 26 decembre, j'etais force de travailler avec d'autres soldats canadiens. Nous avons sorti des meubles dans la cour et on nous a fait ramasser des cadavres que nous avons empiles sur les meubles. Les japonais les ont arroses de gasoline et les ont fait bruler. Nous avons sorti de l'hopital une vingtaine de cadavres de soldats bles- ses qui avaient ete tues a coups de baionnette et, la, nous avons trouve dans la chambre, a cote de celle ou nous agions ete garde prisonniers, les cadavres des deux soldats que les japo- nais etaient venus chercher. Au moment ou nous les avons decou- verts, ils etaient couverts de morceaux de briques et de mor- ceaux de platre; ils avaient les yeux arraches, les oreilles et la langue coupees.

7.- Nous avons trouve aussi le cadavre d'une garde-malade anglaise et de deux garde-malades chinoises qui avaient ete torturees. On leur avait coupe les seins et on les avait cousus sur leurs epaules et, a part cela, elles avaient ete baionnettees. Le cadavre de la garde-malade anglaise etait dans la cour etendu sous une couverture. Les cadavres des deux garde-malades chinoises etaient aussi dans la cour sous un buisson. La garde-malade anglaise etait la femme d'un sergent- major du regiment des soldats de Hong-Kong.

8.- Le 27 ou le 28 decembre, j'etais transfere aux Barraques Stanley; le lendemain, on nous a conduits a North Point. Au moment de la capitulation, j'etais attache a la com- pagnie "A" qui se trouvait alors sous les ordres du Major Young. Je suis demeure a North Point jusqu'au mois de septembre 1942.

9.- A North Point, il n'y avait aucun systeme de sanitation. A North Point, lorsque nous sommes arrives la, les quartiers etaient dans un tres mauvais etat. Il n'y avait aucun moyen de chauffage, les vitres manquaient aux fenetres et les toits avaient ete endommages par les bombardements. Nous avons ete forces de faire les reparations les plus urgentes mais les conditions ont toujours ete mauvaises. Il n'y avait aucune organisation medicale quelconque et aucun medicament. Durant mon sejour a cet endroit, j'ai ete force de travailler a l'aero- port de Kaitak sans aucune protection contre les raids aeriens ou les bombardements. Les conditions de travail etaient mauvai- ses.

10.- Durant mon sejour a North Point, j'ai eu connaissance de deux evasions de prisonniers; la premiere, quelque temps apres notre arrivee alors que sept prisonniers se sont echappes et la deuxieme, dans le courant du mois de juillet trois prisonniers se sont evades. Je ne sais pas ce que sont devenus ces prisonniers, nous ne les avons jamais revus et les japonais nous ont dit qu'ils avaient ete executes. Lors de la deuxieme evasion, tout le camp a ete prisonnier et on nous a garde debout sous la pluie pendant trois heures. Je n'ai pas ete temoin de tortures infligees aux prisonniers a cet en- droit bien que nous etions battus a peu pres tous les jours mais rien de tres serieux.

11.- Au mois de septembre 1942, j'etais transfere a Sham Shoipo ou je suis demeure jusqu'au mois d'aout 1943.

J. H. Bernier
Justice of Peace in and for the
District of Quebec.

D. J. Bernier
(Deponent)

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12.- Les conditions a cet endroit au point de vue de quartiers, la nourriture et les rations etaient les memes qu'a North Point et durant tout le temps que j'ai ete dans ce camp, j'ai travaille a l'hopital du camp. Il y avait beaucoup de prisonniers malades a ce temps-la souffrant de la diphterie et du cholera. Il n'y avait aucun serum pour les malades et les seuls medicaments etaient des pilules et des sels de potasse. Il est mort jusqu'a six ou sept prisonniers par jour, faute de soins medicaux et je me rappelle, qu'une journee, un medecin japonais est venu a nous, a pris les orderly et les a fait mettre en rang et nous a demande pourquoi il mourait tant de monde. On lui a repondu que c'etait parce qu'il n'y avait pas de medecin ni de remede mais que nous faisions notre possible. Il y avait trois japonais avec lui et quand nous leur avons dit qu'il manquait de medicaments, ils ont passe dans les rangs nous frappant a coups de poings et a coups de pieds. Il y avait a ce moment-la le Major Crawford et le Capitaine Banfield avec nous. Le medecin japonais a entre le Major Crawford dans une chambre et l'a battu. Je ne me rappelle pas le nom de ce medecin japonais mais je crois que c'etait Saito; c'etait un courtaud avec une moustache et portant des lunettes.

13.- Au mois d'août 1943, j'ai ete transfere a Niigata ou je suis demeure jusqu'a la fin de la guerre.

14.- Nous avons traversee sur un petit freteur et nous etions 500 a 600 dans la cale. Le voyage a dure 15 jrs et nous sommes restes sept jours a Formosa. Lorsque nous etions en mer, on nous permettait d'aller sur le pont dans l'apres-midi pour une heure, mais lorsque nous sommes restes a Formosa nous sommes restes dans la cale. Les conditions etaient indescriptibles.

15.- En arrivant a Niigata, j'ai ete interne dans le camp 5-B. Pendant cinq mois, j'ai travaille comme orderly a l'hopital du camp; ca ete le pire camp ou je suis alle. Les hommes sont morts de misere et de faim; a cet endroit, il est mort 44 soldats du Royal Rifles. Plus tard, je suis alle travailler a Rinko dans le dechargement du charbon; les conditions de travail etaient tres mauvaises. Il n'y avait aucune protection contre les accidents, les raids et les bombardements. Il fallait travailler qu'on soit malade ou non.

16.- Durant mon sejour a Rinko, le soldat Mortimer du Royal Rifles a ete attache durant deux jours et deux nuits nu-tete et nu-pieds et en sous-vetement; c'etait en hiver et il faisait tres froid. Il a eu les deux pieds geles et il est mort a la suite de ces mauvais traitements. Nous etions battus a coups de pieds et a coups de batons a tous les jours.

17.- Dans ce camp-la, Kiinagata Sato, le sergent-major en charge de la garde Uchada, etaient les deux pires gardes que nous ayons eues, dans mon opinion, ils devraient etre punis severement car ce sont ces deux-la qui ont ete les plus responsables des mauvais traitements que nous ayons eus. Il y a aussi un civil, Kochima, qui etait en charge de la mine de charbon qui etait une vraie brute; on l'appelait "Raspoutine Whisker". Il y avait aussi le "boss" de la cour de la mine Rinko, Kobayashi, qu'on avait nomme "Alley Kat" et lui aussi etait une brute. En general, tout le personnel japonais est responsable des mauvais traitements et de la mort des prison-

J. H. H. H.
Justice of Peace in and for the
District of Quebec.

(Deponent)

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niers. Pendant le temps que j'ai travaillé a l'hôpital a cet endroit, il n'y avait aucune organisation médicale, ni aucun médicament et les hommes étaient forcés de travailler jusqu'à ce qu'ils soient complètement épuisés et qu'ils soient incapables de se tenir debout. Il y en a plusieurs qui sont tombés d'épuisement sur l'ouvrage et qui sont morts un ou deux jours après. Je ne puis pas me rappeler des noms.

18.- Au collège St-Stephens, lors des incidents que je vous ai décrits plus haut survenu le jour de la capitulation, il y avait des officiers japonais dont je ne connais pas les noms; c'était des lieutenants et des capitaines. Ils avaient sur leur collet trois barres, une étoile puis trois autres barres avec une, deux ou trois étoiles. Cependant, je doute que je pourrais les identifier si je les revoyais.

IN WITNESS WHEREOF I HAVE SIGNED

Donat Bernier
(Donat BERNIER) - E-30318, Rfn.
Royal Rifles of Canada.

SWORN before me at QUEBEC, P.Q.,
this 16th day of January, 1946,
consisting of four pages, each
signed by Deponent.

J. Alfred Crowe
(J. ALFRED CROWE) - Major,
A.J.A.G., M.D. No. 5,
Justice of Peace in and for the
District of Quebec.

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4/3/46

Exhibit T. Smith 20th. ADMIN. 6
DUPLICATE
- ADDITIONAL STATEMENT -

C A N A D A)

PROVINCE OF QUEBEC)

TO WIT:)

(IN THE MATTER OF CANADIAN
(PRISONERS OF WAR AT HONG-
(KONG AND VICINITY.

I, E-30318, Donat BERNIER

residing at 230 St. Louis St., Warwick, Arthabaska
County, Province of Quebec, a Fusilier in the
Canadian Army, being duly sworn, depose and state: -

1.- On December 25th, 1941, while I was in
St. Stephen's College Hospital, I noted that among
the Japanese troops, there were several officers.
I recalled very distinctly that there were two
Japanese officers when, on the morning of December
25th, at about five o'clock, we were compelled to
leave the amphitheatre where we were, our hands
raised above our heads and our pockets turned
inside out. One of these two Japanese officers was
a Captain and the other, a Lieutenant. The Captain
wore three bars and three stars and the Lieutenant,
three bars and two stars.

2.- The difference between the badges worn
by the Japanese non-commissioned officers and officers
seems very unimportant when one is not familiar with
the ranks of the Japanese Army. However, I noted
quite distinctly what the officers wore on that day
and later on, during my captivity, I had occasion
to see several Japanese officers, at different times,
and this is why I may affirm that on the morning of
December 25th, 1941, I saw among others, a Japanese
Captain and a Japanese Lieutenant.

3.- The stars worn by the Japanese non-
commissioned officers are made of cloth while the
stars worn by the officers are made of metal. These
badges are worn on the collar of uniforms by Japanese
non-commissioned officers or officers and on the
epaulettes of greatcoats in winter.

(SGD) D.J. Bernier

(SGD) J.-Alfred Crowe,
Justice of the Peace in and for
the District of Quebec.

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4.- During my four years of captivity, I had occasion to familiarize myself with badges worn by officers and non-commissioned officers of the Japanese Army and I am convinced that I am right when I state that there were Japanese officers at St. Stephen's Hospital on December 25th, 1941.

5.- Besides the two officers in charge, I also noted that there were at least fifteen other Japanese officers on the terrace of the Hospital. When I saw them on that morning, at about 10 o'clock in the forenoon, (December 25th, 1941), they were lunching. When I saw them, I was locked up in a small room on the second floor of the hospital; and there were about 80 of us in that room. I was near a window of the latter room and when I stooped to look out, I saw on the terrace, below, the Japanese officers eating their lunch. I am positive that there were officers of a higher rank than that of Captain but I do not recall their rank.

IN WITNESS THEREOF I HAVE SIGNED,

(SGD) D.J. Bernier
(E-30318, Fus. Donat Bernier),
Royal Rifles of Canada.

THIS DOCUMENT consists of two pages, each of which has been signed by the interested party, WAS SWORN TO before me at Quebec, P.Q., this 25th day of February 1945.

(SGD) J. Alfred Crowe,
(J. Alfred Crowe) - Major,
A.J.A.G., M.D. No. 5,
Justice of the Peace in
and for the District of
Quebec.

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Exhibit T. *Shamir L'd.*
Prendit

- DEPOSITION ADDITIONNELLE -

CANADA

PROVINCE DE QUÉBEC

A SAVOIR:

(AFFAIRE DES PRISONNIERS DE
 (GUERRE CANADIENS à Hong-Kong
 (et aux environs.

Je, E/30318, Donat BERNIER,

demeurant à 230, rue St-Louis, WARWICK, Comté d'Arthabaska, Province de Québec, un fusilier dans l'Armée Canadienne, étant dûment assermenté, dépose et dit:-

1.- Le 25 décembre 1941, alors que je me trouvais à l'Hôpital St-Stephen's College, j'ai remarqué que, parmi les troupes japonaises, il y avait plusieurs officiers. Je me rappelle très bien qu'il y avait deux officiers japonais lorsque le 25 décembre au matin, vers cinq heures, nous avons été forcés de sortir de l'amphithéâtre où nous nous trouvions, les mains en l'air et nos poches virées à l'envers. Un de ces deux officiers japonais était capitaine et l'autre était lieutenant. Le capitaine portait trois barres et trois étoiles et le lieutenant portait trois barres et deux étoiles.

2.- La différence entre les insignes portés par les sous-officiers et officiers japonais semble peu importante lorsque l'on est pas familier avec les grades de l'armée japonaise, mais j'ai bien remarqué ce que les officiers portaient ce jour-là et plus tard, au cours de ma captivité, j'ai eu l'occasion de voir plusieurs officiers japonais, à maintes reprises, et c'est ce qui me permet d'affirmer que le 25 décembre 1941, au matin, j'ai vu entre autres un capitaine et un lieutenant japonais.

3.- Les étoiles portées par les sous-officiers japonais sont faites de linge tandis que les étoiles portées par les officiers sont faites de métal. Ces insignes sont portés sur le collet des uniformes des sous-officiers ou des officiers japonais et sur les épaulettes des paletots d'hiver.

Donat Bernier
 Juge de Paix dans et pour le District
 de Québec.

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- 2 -

4.- Au cours de mes quatre années de captivité, j'ai eu l'occasion de me familiariser avec les insignes portés par les officiers et les sous-officiers de l'Armée Japonaise, et je suis convaincu de ne pas faire erreur quand je dis qu'il y avait des officiers japonais à l'Hôpital St-Stephen le 25 décembre 1941.

5.- En outre des deux officiers en charge, j'ai également remarqué qu'il y avait au moins une quinzaine d'autres officiers japonais sur la terrasse de l'hôpital; quand je les ai vus ce matin-là, vers dix heures de l'avant-midi (25 décembre 1941), ils étaient à luncher. Lorsque je les ai vus, je me trouvais enfermé dans une petite chambre au deuxième étage de l'hôpital; nous étions environ 80 dans cette chambre. Je me trouvais près d'une fenêtre de cette chambre et c'est en me penchant la tête que j'ai vu, sur la terrasse de l'hôpital, en-dessous de moi, les officiers japonais en train de luncher. Je suis certain qu'il y avait des officiers d'un grade plus élevé que celui de capitaine, mais je ne me souviens pas du rang qu'ils avaient.

EN FOI DE QUOI J'AI SIGNE,

Donat Bernier
(Donat BERNIER) - E/30318, Fus.,
Royal Rifles of Canada.

CE DOCUMENT COMPOSE DE deux pages,
dont chacune est signée par l'intéressé, A ETE ASSERMENTE devant
moi à Québec, P.Q., ce 25ième
jour de février 1945.

J. Alfred Crowe
(J ALFRED CROWE) - Major,
A.J.A.G., R.M. No 5,
Juge de Paix dans et pour le
District de Québec.

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00312

Exhibit U
 Whamish Lt. Col. 54
 President

Pfc. R. E. Brady, 6203231, Middlesex Regiment, States:

I was in Hospital at St. Stephens Convent Receiving Hospital, HongKong on December 24th, 1941. This Hospital was a British Hospital. The Japanese attacked and started to bayonet patients and nurses. I was captured and put into a very small room together with about 100 men. We were very tightly packed and most uncomfortable.

Pfc. Henderson of the Canadian Rifles was standing next to me. A Japanese private who spoke English came to the room and told Henderson to come out. Henderson refused to go as we all thought that the Japanese intended to torture or kill us. They dragged him out and I tried to hold him back but could not do so as by that time other Japanese soldiers arrived to force him out. They took him to a small room ten yards down the corridor. I heard him scream "don't do it, don't do it" and then heard no more.

Next morning we were released from the room as the British garrison surrendered and I was the first one out of our room. I went into the room into which Pft. Henderson had been taken and saw a body lying on the floor with a blanket over its face. I removed this blanket and recognised Pfc. Henderson. His face had been bashed in and his stomach was full of what looked like bayonet holes.

I do not know the name of the Japanese soldier and could not recognise him again, but he did have three gold teeth in the front of his mouth.

I do not know the names of any other people in the room with me.

R E Brady Pfc.

R.E. BRADY, Pte. 6203231
 Middlesex Regiment

Pfc. (Private)

November 12, 1945

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Exhibit V S. Daniel L. G. President - RCH R No. 7

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the root cause of the problem. Once the causes of the problem have been identified, the next step is to develop a plan to address the problem. This involves identifying the actions that need to be taken to address the problem and determining the resources that are needed to implement the plan. Once a plan has been developed, the next step is to implement the plan. This involves taking the actions that are outlined in the plan and monitoring the progress of the plan. Finally, the last step in the process is to evaluate the results of the plan. This involves determining whether the plan has been successful in addressing the problem and identifying any lessons learned from the process.

On the morning of 10th March 1945, I was with a group of about 100 men, including myself, who were being transported by a large military truck. The truck was loaded with men and equipment, and we were being taken to a new location. The truck was driven by a Japanese soldier, and we were accompanied by several other soldiers. The journey was long and tiring, and we arrived at our destination in the evening. The new location was a large, open area, and we were told that we were to stay there for a while. The Japanese soldiers were very friendly to us, and they gave us food and water. We were also given some clothing and other supplies. The Japanese soldiers were very kind to us, and they treated us well. We were very grateful to them for their help and kindness. The Japanese soldiers were very friendly to us, and they gave us food and water. We were also given some clothing and other supplies. The Japanese soldiers were very kind to us, and they treated us well. We were very grateful to them for their help and kindness.

Very Sincerely
J. P. Jones. War Worker

Investigation Team Hong Kong
21st

00314

43 ~~STANA/70~~

Exhibit y *subscribed*

118

Major Hall-Gaine
S.O.(I) to ...
4th October, 1949.

Japanese atrocities at Jockey Club.

At one is a statement to the effect that in the train in which she spoke, to be taken to be the ship of train. It seems to be a conspiracy, possibly to some extent by the doctors to stop this business from coming out. It is now known, in the case of (of which I understand after some time as a copy, the whole thing is in fact all out unfortunately all the names are mentioned. I have got her story in confidence from the 'D' ROS'.

I hope to be able to give you further details in the near future.

P. T. Simpson
Lt.-Col. R. A. F.

M/Sin
zz
Original is held on
"Allochis" file *zz*

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Exhibit Y

Manshi Y. Y. Y.

See 10/11/41

On December 25th 1941 I was attending at the hospital
 when Dr. Aronson was brought in
 at the point of a revolver, he was saying
 had tied a rope round his wrist & was using him
 as a shield.

We were then moved into the table & guarded
 on both ends. Japanese soldiers came pouring
 in, all day they were taking for Chinese
 nurses upstairs on the first & second floors
 & when the ^{girls} came down alone, one by
 one, they were crying their eyes out,
 they were raped. The sisters did all
 they could to help them but it was
 impossible to do anything to prevent them
 being taken up again & again.

The European nurses gathered together
 round a table taking sandalwood etc while
 some went about nursing, each & everyone
 with a fearful heart of being taken up
 next. One girl in particular carried a
 dead Chinese baby for hours in the
 hopes that they would leave her alone.

The Doctor in charge ~~was being~~
~~instructed~~ ~~to~~ tried his best to
 help us but when he spoke to the
 Japanese officer ^{who was very drunk} the ~~answer~~ answer
 he had was a terrible news on the

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in with the butt of a revolver, ^{he passed} 113
 by us accompanied by the same officer &
 his ear was already very swollen & red.

We were alone again ~~to~~ with the
 patients till 8 pm, ^{then} we all gathered
 together in one booth, soon after, two very
 dirty & drunken soldiers came in & shone
 torches at our faces. Ticked out four of
 us & told us to work, one reading the
 other at the end.

All the way up the stairs I
 was wondering what I to do, if I should
 now they would only pull me back on
 I followed on, we came to a doorway, ~~and~~
 they told us to go in it was one of the
 boxes. With torches shining they indicated
 to us sit on a long table - four of us
 on one side & one policeman soldier on the
 other end.

^{the soldier}
 Then ~~the~~ my right asked us our
 ages then he stood around as if waiting for
 someone then again he shone the torch at
 me & said "Indian soldiers where?" - I said
 that I don't know & that I was ^{feeling} sick
 & the girl sitting next to me said "yes, we
 are sick, can you take her down?" He then
 said "You go sleep!" so I lied till the 17

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& tottered across the room, making ¹¹² myself
 look as ill as possible (because I know
 the Japanese are afraid of sickness) & out
 of felt nouns for the servants, one of them
 then came the low for my feet my
 discharge & I told him ^{by gesture} it was ~~my~~
 not headache but stomach-ache. he nodded &
 left lead me back to the South, taking one
 of the girls to take care of me; like one of
 the ~~new~~ A.N.S. ones, he was from a previous war
 building a castle on my ground the soldier
 stood there waiting for me to feel better
 so as to take me up again that was
 exactly what they did to others who faint
 with fear.

As I did not revive quick enough
 he his little, he turned round & picked

someone else.
 I ~~could~~ ^{could} not move again & cry.
 The Chinese girls were taken for several times
 in ~~see~~ ^{could} them being ^{hugged} up from side
 I was because, after ~~to~~ ^{to} all he was
 to the opposite side, in that we ran round
 in circles trying to find someone to
 bite, lucky for me, it was the servants
 quarters & I said to the cook, "Hill me, this
 one! I'm very disappointed!" he then

under his camp-bed & pulled ^{the} blankets
 in one side & ~~on~~ side me.

Stayed there, covered up as far
 as I could as I began to ~~feel~~ ~~the~~
 watching the Japanese, the things touches
 looking ~~unpleasant~~, ~~missing~~ ~~pile~~ ~~under~~
 times etc ~~the~~ ~~the~~ ~~in~~ ~~the~~

at about 8. ^{when anything was quiet} another girl who

also was hiding in the same booth came
 to call me saying that I better go

before daylight ^{because} & I was afraid that
 the corners will get into trouble. I couldn't

move, my limbs were so stiff & cold so she
~~just~~ pulled me out & ~~crossed~~ on

my hands & knees to the other side to
 where the rest of the nurses were. They were
 lying down -

all exhausted, except for one Chinese N.O.

five Chinese ~~girls~~ nurses.

~~The Japanese left us alone~~

but then the six of us planned all
 sorts of ways to escape but all the
 windows were too high nothing could be done,
 all suggestions were impossible & already
 it was dawn we were tired & yet the
 fear of what ~~might~~ happen soon & we ~~could not~~
 do anything else in the

at 7 am I walked to the entrance

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I saw no one guarding the gate, so I called the girls to wake & run for it - anywhere - but not to stay. Some just moaned & some were too tired to move. A few who were not raped help the girls as much as they could. A Chinese nurse then told us to try to get to a phone & ring up the Med. H.Q. So with the five Chinese girls & the M.O. we walked out of J. Club, further into the village down on the way there was a ^{already} ~~shore~~, but the wires were ~~all~~ cut off. We continued on, ~~the~~ one of the girls said she had an uncle staying somewhere there, & after searching for about 15 minutes from one house to another we found the flat & I stayed there till 5.30 pm when ~~a~~ ~~the~~ the doctor found out that ambulances were taking patients & nurses to Queen Mary Hospital so disguised as a man I made my way back to the J. Club where the Matron ~~was~~ ~~after~~ ~~in~~ ~~the~~ ~~club~~ she was disguised as a nurse & took me into the waiting ~~room~~ ~~at~~ Queen Mary Hospital at about 7 pm. A few days later I met one of the five girls who were my friends when

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... was taken away from ... clear & ...
 ... top crying, she could only ...
 ... light & ...

Marie. de. Roga.
 3.10.45.

Witnessed by ? T. Simpson Jones
 Lt. Com R.N.V.R.

S.O.(1) to M.A. Howson.
 3.10.45.

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Exhibit 2.

P. Wamich 4th A.

Exhibit No 23

Summary of examination of MAI TSO HENG,

having been duly affirmed states:-

I am 52 years of age, of CHINESE Nationality,

and born at Namkoi, Kwangtung.....

My permanent address is c/o CENTRAL TRUST OF CHINA, SHANGHAI.

I am at present living in SHAMLEN, CANTON.

On 22nd December, 1941, at about 1800 hours, when we had had supper, we heard a few shots and one of us - I was in my room at No. 42B Blue Pool Road, Happy Valley, with my family and some of my friends, altogether about 20 people - went to the window at the back of the house and said that the Japs were all around the houses and so everybody got ready to meet the Japs. About 5 minutes later a knock was heard at the back door. A maid was sent to open the door and 3 Jap soldiers came into the house. We were then ordered to go into the vestibule of the flat next to the kitchen. We all gathered together at this place. I saw the Japs enter the next door apartment, No. 44B. A Chinese employee of Jarvine's was there and he was called to join us in our apartment. The Japs then began to search our apartment. All this took, I think, about half an hour. Then we were ordered to go out by the back door. Quite a number went out before me. I was about third or fourth from the last to leave. When I left the apartment right by the door I turned back and I saw a friend of mine, whom I could not clearly recognize as it was rather dark, he was being beaten as I believe he had refused to leave with the Group. When I had descended the staircase I was searched. I got to the ground, I saw a lot of women and children sitting at the right hand side of the lane. I was ordered to walk to the left hand side of the yard at the back of the building. About ten steps or less, I heard a cry and I saw a knife flash, I fought with my hands and fell at the same time. After I fell I remember receiving a deep wound on my leg. I saw after I fell about 3-4 bodies ~~slightly~~ ^{slightly} the Japs stabbed them again. I decided to remain still. Later on as my head had been laying in an uncomfortable position, I had to move my head. I made a slight movement and made a noise. Japs came over and turned flashlight on me, kicked me - I think they were trying to make sure that I was dead. I continued pretending that I was dead. Whilst lying there I heard the Japs issuing orders and cooking a meal.

I lay there all night and the next morning I heard women crying and guessed that the Japs had gone and I began to move. I saw over thirty bodies of Chinese who had been murdered lying in the yard. Some women were trying to move the bodies of their relatives. I tried to recognize my son but I could not walk. Somebody was saying that the Japs were approaching so I crawled my way down the hill towards the main road. There I met a friend of mine with a car, who was coming up with the wives of those who had been murdered. One was Mrs. CHAU, wife of CHAU YUT of the Ministry of Communication, and Mrs. SIT, wife of Mr. SIT of the same Ministry. I returned with these people to the house, tried to enter the apartment but I had been, No. 42B Blue Pool Road, but it was locked. I heard that the Japs were returning so I made my way to another house and managed to get a lift in a car to Dr. T. H. Ah, at Y. N. V. V. R. ~~near~~ the Race Course. I then found that I had received nine wounds altogether.

As far as I can remember of the nine months that I was in my apartment I was the only survivor.

.....(cont.)

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Summary of examination of MAI TSO HANG. (contd) - 2 -

I have no idea what troops were involved but as far as I know they were Japanese and I seem to remember ~~orders mentioning~~ ^{went towards} Wong Nei Chong Gap, and that they were the first wave of the attack on that position.

(Sg.) *H. L. L.*

Sworn before me *R. Cooper* Major,
WAR CRIMES INVESTIGATION TEAM,
HONG KONG.

This *Eleventh* day of *March* 1946.

Detailed to examine the above by the Commander-in-Chief, Allied
Land Forces, South East Asia.

(Authority: - ALFSEA War Crimes Instruction No. 1 para 7).

CSN

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Exhibit AA

Starrick 1st Lt.
President



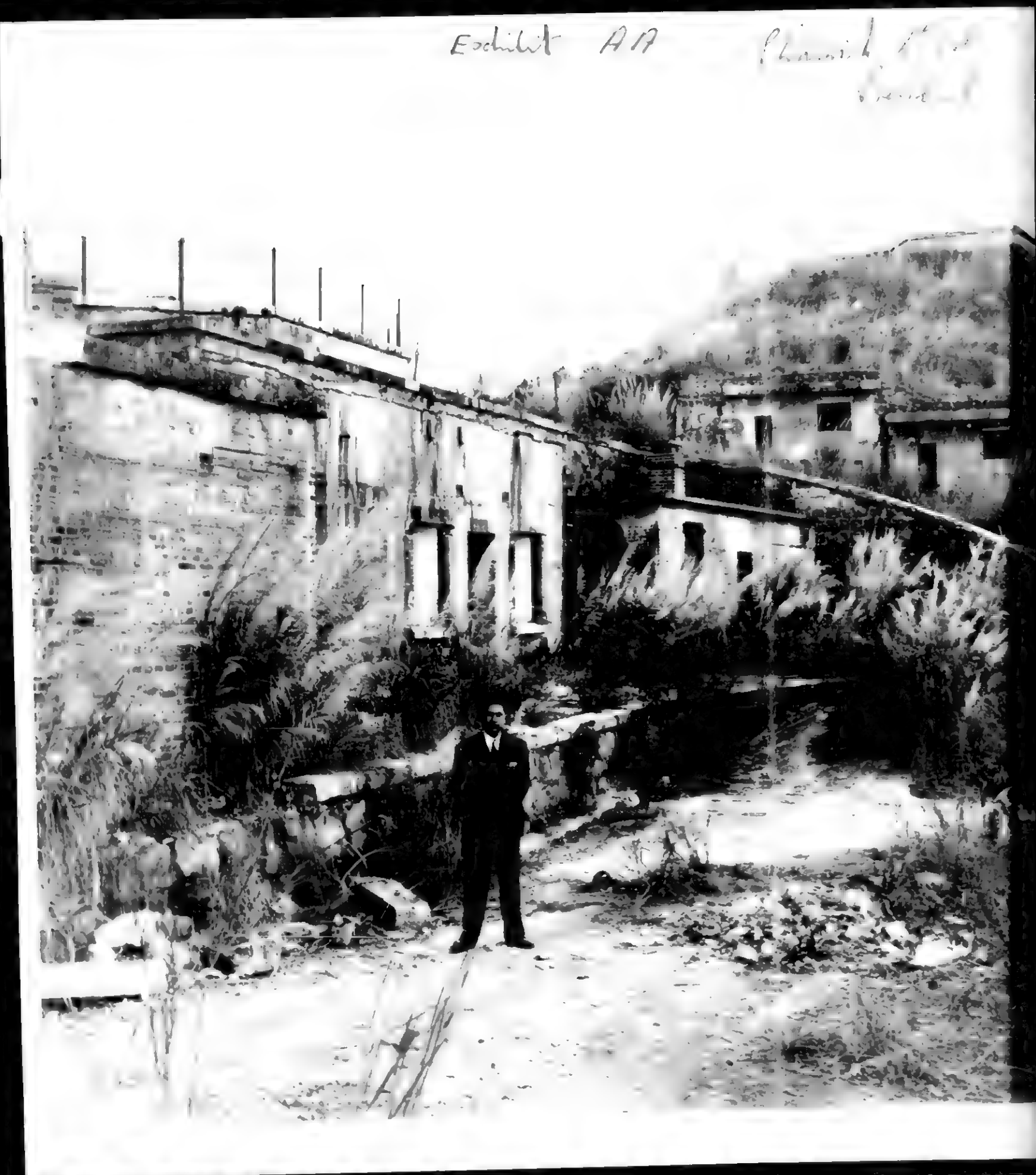
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Exhibit A17

Chambers, N. J.
1944



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00325

Exhibit AA

Pharmaceutical
Building



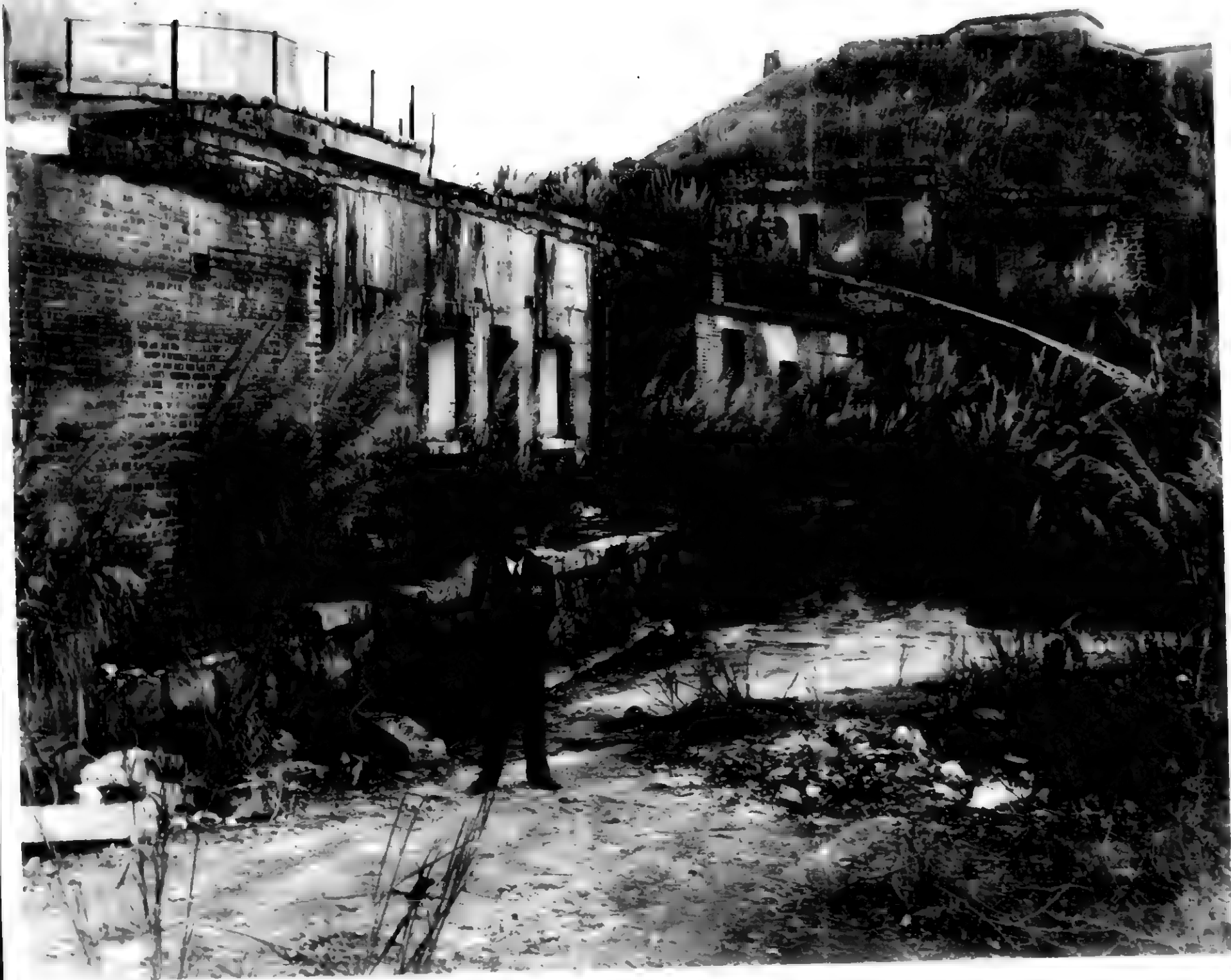
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Exhibit AA

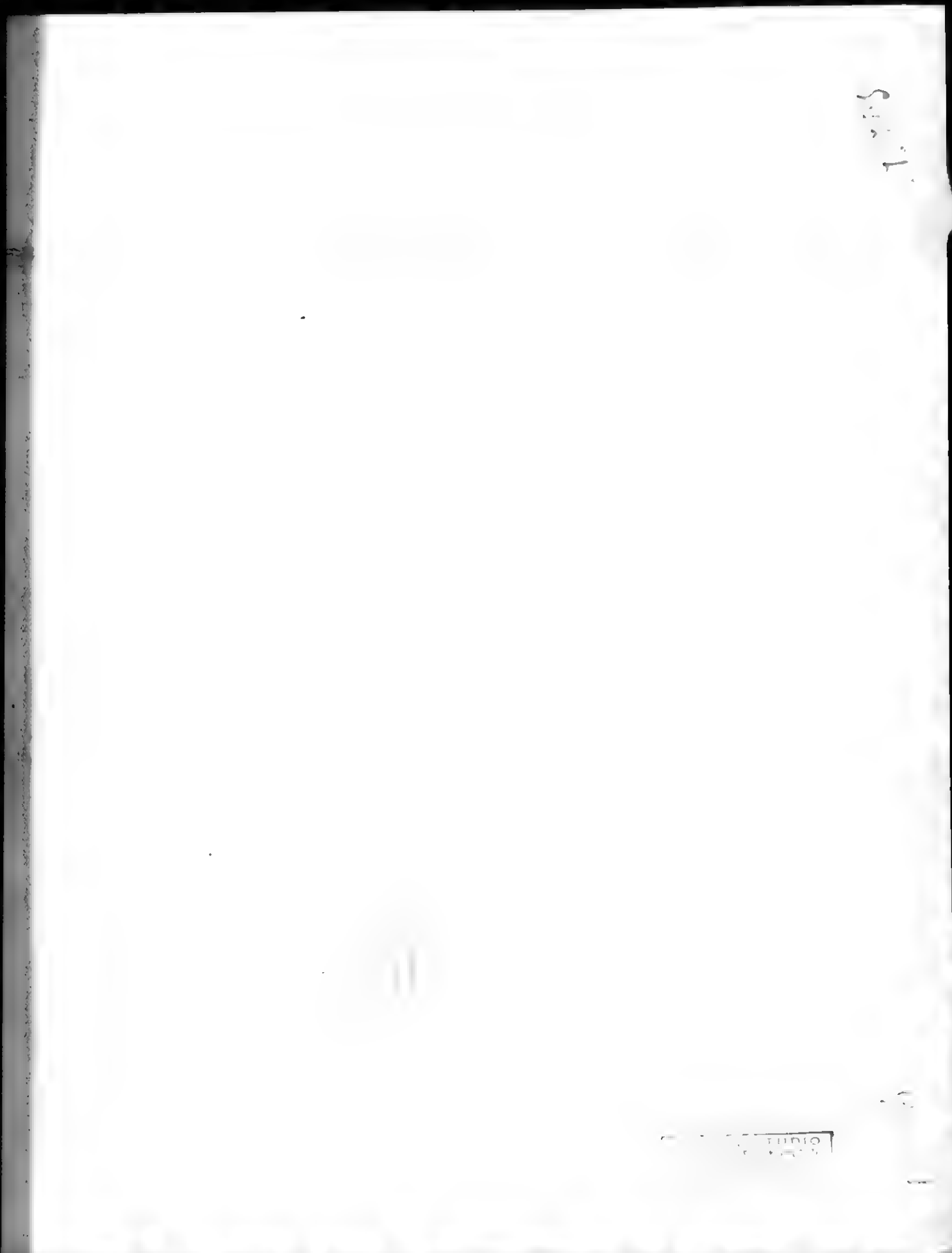
J. Harnish 1st Lt.
President.



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Exhibit. cc

Shimada 2nd Lt.

President. 2nd

I, CAPTAIN E. C. WATSON, certify that I have now duly warned the accused SHOJI TOSHISHIGE, in the following terms:-

"Do you wish to make any statement or to give evidence on oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing, and may be given in evidence." R.P. 4 (E).

The accused SHOJI TOSHISHIGE states that he wished to make an unsworn statement.

Signature *E. C. Watson*

Rank

(NAME IN BLOCK LETTERS) E. C. WATSON

Date: 8-11-46

I, SHOJI TOSHISHIGE, having been duly warned that I am not obliged to make a statement, but that whatever I say will be taken down and may be used in evidence, wish to state voluntarily as follows:-

I am 57 years of age, of JAPANESE Nationality, and born at MIYAGI-KEN, JAPAN.
My permanent home is No. 5 BANCHU-KU, 169 SENTAI CITY.
I am at present detained at Stanley Gaol.

On two occasions, about the 14th or 15th of December 1941, a staff officer was sent across to HongKong Island from Kowloon calling on the governor to surrender in order to save the loss of life that would follow a general attack. The surrender was refused and a landing on the Island was decided on, operations to commence at 2150 hours, Dec. 18th. The landing was made by the 228th (Col. Doi), 229th (Col. Tanaka), and 230th (Col. Shoji), regiments of the 38th Infantry Unit of the 38th Division.

The 230th Regt. completed landing operations at about 2400 hours, Dec. 18th.

I landed at a point about 600 yards east of North Point where I remained for about thirty minutes. The Div. H.Q. was to be established in the vicinity of the Taikoo Docks. On arrival, a party for reconnaissance purposes under a Lieut. Unno was sent ahead.

I proceeded south to the North Point Reservoir, arriving at about 0100 hours, Dec. 19th. At this point I was out of touch with all other units and owing to a heavy barrage passing over-head from the direction of Victoria Peak and Stanley, was compelled to advance and moving off at about 0240 hours, went south towards Wong Nei Chong Gap.

At about 0330 hours, we came up with the remnants of the reconnaissance party, who informed me that Lt. Unno was dead and that the pill boxes ahead were manned by Indian troops. It was then decided that a detour would have to be made, the main forces passing to the right of the pill boxes and No. 2 Battalion to go to the left and clear out the pill boxes round Jardines Look-Out and then to make a rendezvous at the Wong Nei Chong Gap. This operation was successfully carried out, commencing at 0500 hours on the 19th. The rendezvous was made at 0800 hours Dec. 19th. At 0815 hours, a few isolated units on Jardine's Look-Out opened up on the No. 2 Batt. and a party was sent out and the firing soon ceased, the Indian troops retreating.

On arrival at Wong Nei Chong Gap, we were subjected to heavy fire from artillery battery stationed (North) of the Happy Valley Race Course. This firing went on intermittently from about 0815 hours on Dec. 19th to the morning of the 21st,

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we sustained severe losses from this barrage.

During the fighting at Wong Nei Chong Gap, I was still out of touch with Div. H.Q. and at 1900 hours Dec. 19th, I sent Lt. Ito (Intelligence) to try and contact the 228th Regt. (Col. Doi) who should have been to the East of our lines.

At 2400 hours Dec. 19th, Ito returned and reported that he had contacted the 228th, left flank commander whose troops were then resting and taking food and that they would advance immediately after, no time was given, for which I scolded Ito. Ito also reported that the main body of the 228th, (Col. Doi) had not such heavy opposition both from artillery and an attack by the British troops that he had been unable to get through to Wong Nei Chong Gap.

Several groups (about ten men in each) had passed along from the East across my lines about daybreak on the morning of Dec. 20th, but the remainder of the regiment did not appear.

On the afternoon of Dec. 20th, I sent the Regimental Adjutant, Capt. Sokiya to contact Maj. General Ito, G.O.C. 38th, Inf. Unit and the 228th (Col. Doi). At about 1800 hours, Dec. 20th, a Div. Staff Officer arrived and stated that the 228th and 229th had landed on the Island, but after a time, contact was lost and still could not be made with the 229th. Div. H.Q. had been informed that my regiment (230) had been annihilated and he had been sent through to report on the position. He informed me that owing to my rear being exposed Div. H.Q. had sent reserves across the rear and I was to prepare an attack on Leighton Hill and when established there to relieve the reserve troops. I pointed out that I had sustained about 800 casualties and that ammunition and food was low and there were no medical supplies. Capt. Sekiya returned at about 2100 hours on Dec. 20th, and reported that he had made contact with the 38th Infantry Unit (Maj. Gen. Ito) and the 228th (Col. Doi), and the 228th was about to advance on Mount Nicholson, on my right flank, passing by Wong Nei Chong Gap, and that I was expected to be ready to assist in the attack. On the afternoon of Dec. 21st, I was ~~in~~ informed that the attack on Leighton Hill had been cancelled for my troops.

From the night of Dec. 21st, to the morning of Dec. 22nd I was assisted by troops from the 228th (Col. Doi) and until the date of the surrender by the enemy which took place about 1500 hours on Dec. 23rd, I was assisted by units of Engineers and Artillery.

~~From the above~~ The above statement has been read over to me by an interpreter and is true and correct as I have stated, and I now voluntarily append my signature thereto.
Signed at Stanley Gaol, This eighth day of November, 1946.

Signature *SHOJI. ISHISHIGE*

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00331

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I, A. RIGOD, make oath and say that I truly and correctly translated to the accused, SHOJI TOSHISHIGE, the words of the above caution and that he thereupon elected to make an unsworn statement and that he then made a statement which I truly and correctly translated in English, and saw taken down by Capt. E.C. WATSON. I read over the whole of the above statement to the accused in the JAPANESE language and he acknowledged it as correct and has now duly signed it in my presence and in the presence of Capt. E.C. WATSON. I certify that no inducement threat or promise was held out to the accused and that he made the above statement entirely voluntarily.

Signed this EIGHT day of November, 1946.

Signature A. RIGOD

(NAME IN BLOCK LETTERS) A. RIGOD

Sworn before me (Signature) E.C. WATSON, Rank: Capt.

Description: War Crimes Investigation Team. Hong Kong.

This EIGHTH day of November, 1946.

An officer detailed to examine the above by the Commander-in-Chief Allied Land Forces, South East Asia.

(Authy: ALFSEA War Crimes Instruction No. 1, 2nd Edition, para 19a).

Certified true copy.

E.C. Watson
E.C.

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00332

Exhibit DD

Shinichi 54
Prinid 124

I, Capt. E. C. WATSON, certify that I have now duly warned the accused, SHOJI Toshishige, in the following terms :-

"Do you wish to make any statement or to give evidence on oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing, and may be given in evidence" R.P. 4 (E).

The accused SHOJI Toshishige states he wishes to make a sworn statement.

Signed: *E. C. Watson*

(NAME IN BLOCK LETTERS) E. C. WATSON

I, SHOJI Toshishige, having been duly warned that I am not obliged to make a statement, but that whatever I say will be taken down and may be used in evidence, wish to state voluntarily as follows :-

I am 57 years of age, of JAPANESE Nationality, and born at MIYAGI-KEN, JAPAN.

My permanent home is No. 5, BANCHO KU, 169 SENTAI CITY.

I am at present detained at Stanley Gaol, Hong Kong.

The references made in my written statement, to points (A) to (M) are those marked on a map now shown to me and which were made by Interpreter Tsutada on my instructions.

The blue pencil lines were put in by me.

This map is now produced to me and marked Exhibit "A" to which I now append my signature.

In my written statement I have mentioned a "5-Road JUNCTION at WONG NEI CHONG ROAD", this is the point (L) on this map.

The route assigned to me was to get to the city of VICTORIA via WONG NEI CHONG and Mount NICHOLSON.

Reference Para 20, in my signed statement, the "fox-hole" which I occupied on the 19th and 20th Dec 1941, was situated near point (L) and is now marked by me in blue ink (L.1.)

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00333

- 2 -

On the 21st Dec 1941, I moved to another "fox-hole" nearby, now marked by me (L.2.)

Reference Para 32, in my signed statement, the dead body of the Canadian general officer was found at point (L.3.) marked in blue ink, this appeared, from the presence of maps, etc., to be the Canadian H.Q. which was captured by the OKADA platoon of the 3rd Batt. 230th Regt. On my way to inspect the body of the dead Canadian officer, I passed a garage, on the walls of which an inscription in Japanese was found confirming that this particular place had been captured by the OKADA platoon.

Reference Para 13, at 1240 hours, on 19th Dec 1941, a platoon of the TANAKA Butai was seen on the road marked in blue ink (L.4.)

After the conversation which I had with this platoon's Commander, the platoon left in an unknown direction.

The only prisoners, about 57, captured in WONG NEI CHONG GAP, were taken by the SHOJI Butai and before these prisoners were moved off to the Div. H.Q. I cautioned the escort:

1. Any cases needing attention to be taken to hospital, serious cases to have first consideration and prisoners were not to be ill-treated.
2. A guard to be placed at head and rear of column.
3. Prisoners to be handed over only to Div. H.Q.
4. Receipt to be obtained for the prisoners.

These instructions were repeated to the prisoners by me in person. After the fighting I visited a hospital where one of the prisoners was detained and he, a Major, said he had been well treated.

The above mentioned prisoners were captured at the Canadian H.Q.- point (L.3.) and at my "fox-hole" (L.1.) no

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00334

- 3 -

other prisoners were taken.

Prior to the opening of the campaign orders were issued to me and repeated by me to my officers that all prisoners were to be handed over to the Intelligence Branch at H.Q. and I was to be informed of prisoners taken before they could be handed over.

I cautioned my officers, in respect to prisoners, that they must respect International Law.

When the prisoners were marched off they were not tied, their trouser belts were removed and they had to hold these garments up as they marched.

During the whole of the fighting in the WONG NEI CHONG GAP, I never lost contact with any of my units.

On the night of Dec 23rd, 1941, I moved off down the main road towards the WONG NEI CHONG valley. The WAKAMATSU Batt. left on 22nd Dec. and took a small road below a small path running parallel to the main road. Contact was made with the WAKAMATSU Batt. at the WONG NEI CHONG and STUBBS Road junction. Signed at Stanley Gaol, this 25th day of November 1946.

Signed SHOJI TOSHISHIGE

(NAME IN BLOCK LETTERS) SHOJI Toshishige.

SWORN BEFORE ME

Signature S. B. O'Brien Captain.
WAR CRIMES INVESTIGATION UNIT,
HONG KONG.

This . . . 25th . . . day of . . . November . . . 1946.

An officer detailed to examine the above by the Commander-in-Chief, Allied Land Forces, South East Asia.

(Authy: ALFSEA War Crimes Instruction No. 1, 2nd Edition, para 19(a))

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00335

NG KONG AND NEW TERRITORY. VICTORIA HARBOUR

This is EXHIBIT "C" in
case No. 14251 WCLB,
accused ITO TAKEO (from
case HK/WOC/3 - accused
SHOJI TOSHISHIGE.)

E. C. Bates
(INVESTIGATOR)



00336

HONG KONG AND NEW TERRITORY. VICTORIA HARBOUR

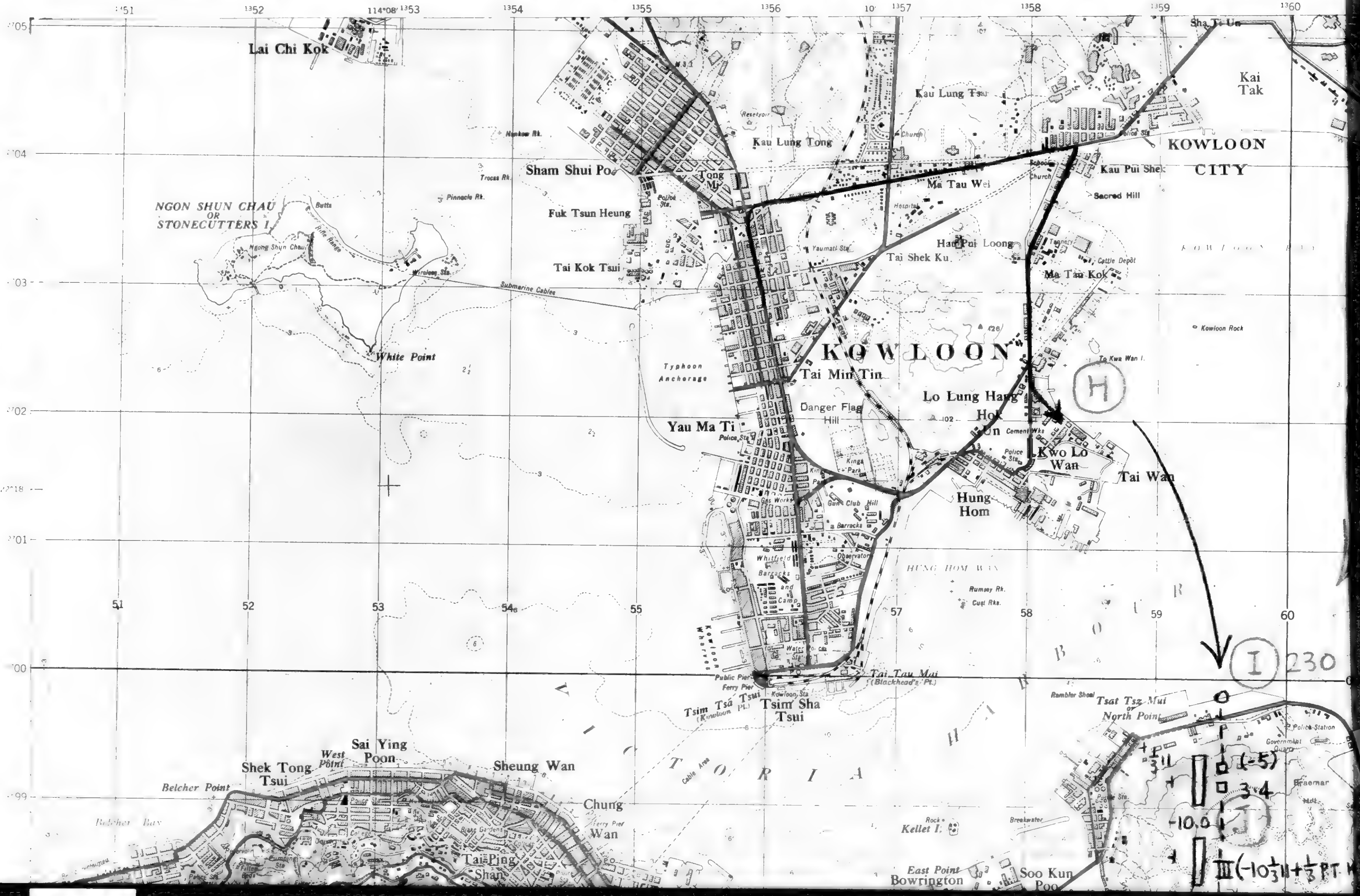
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THE NATIONAL ARCHIVES
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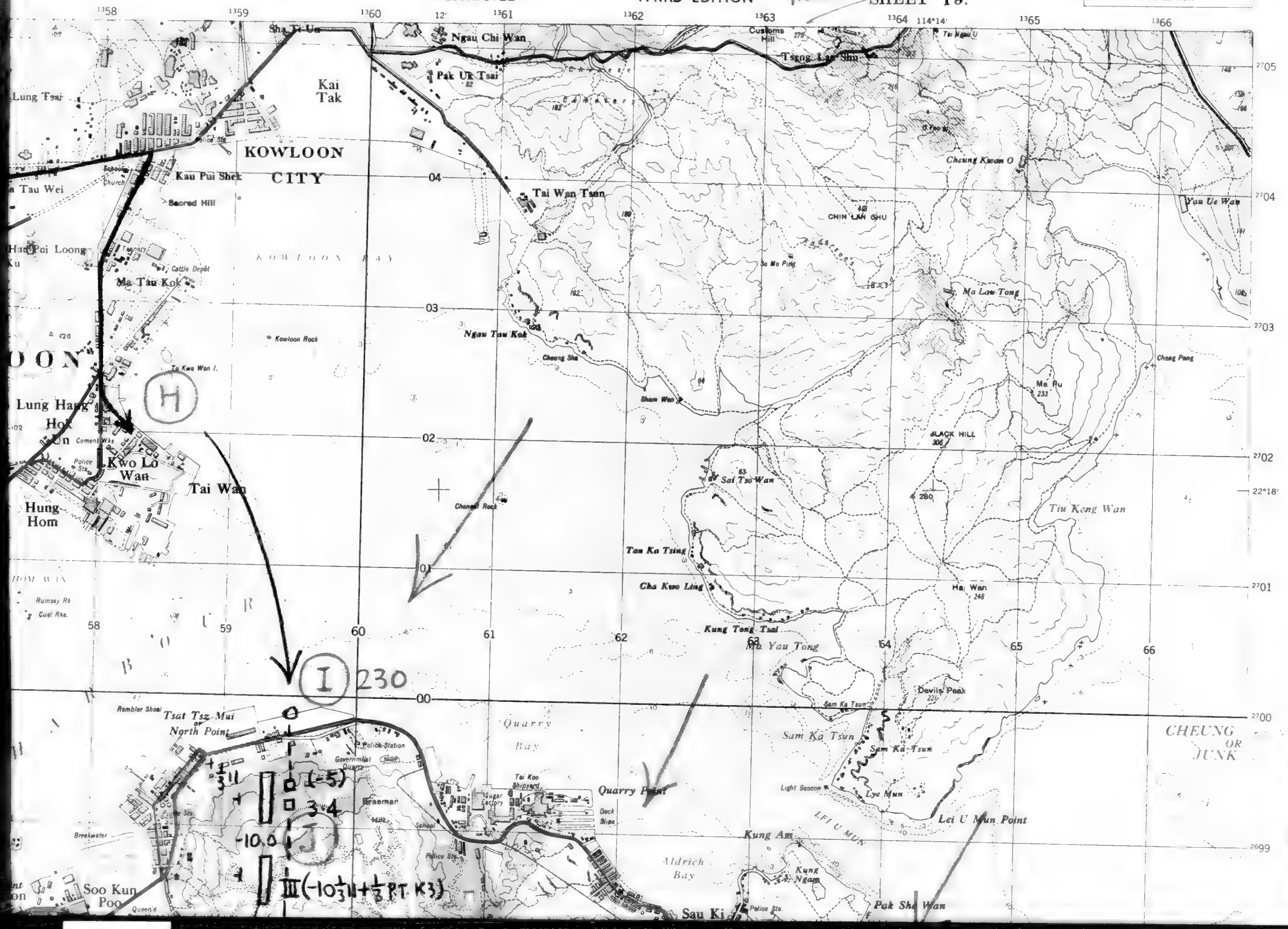
VICTORIA HARBOUR

RESTRICTED

THIRD EDITION

SHEET 19.

REFER TO THIS MAP AS - HIND 1009
SHEET 19 THIRD EDITION



THE NATIONAL ARCHIVES
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Handwritten copy of
referred to in a file

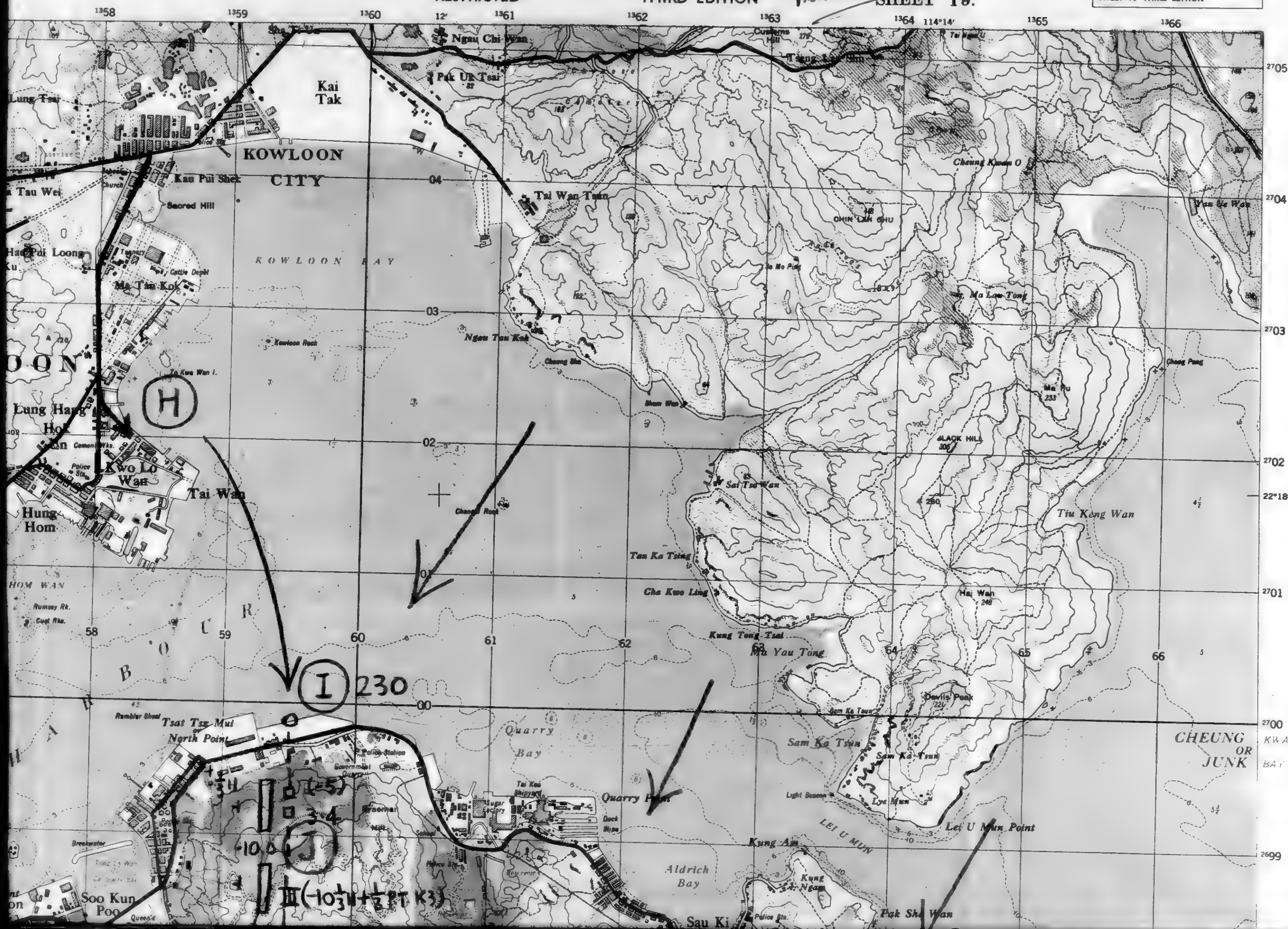
VICTORIA HARBOUR

RESTRICTED

THIRD EDITION

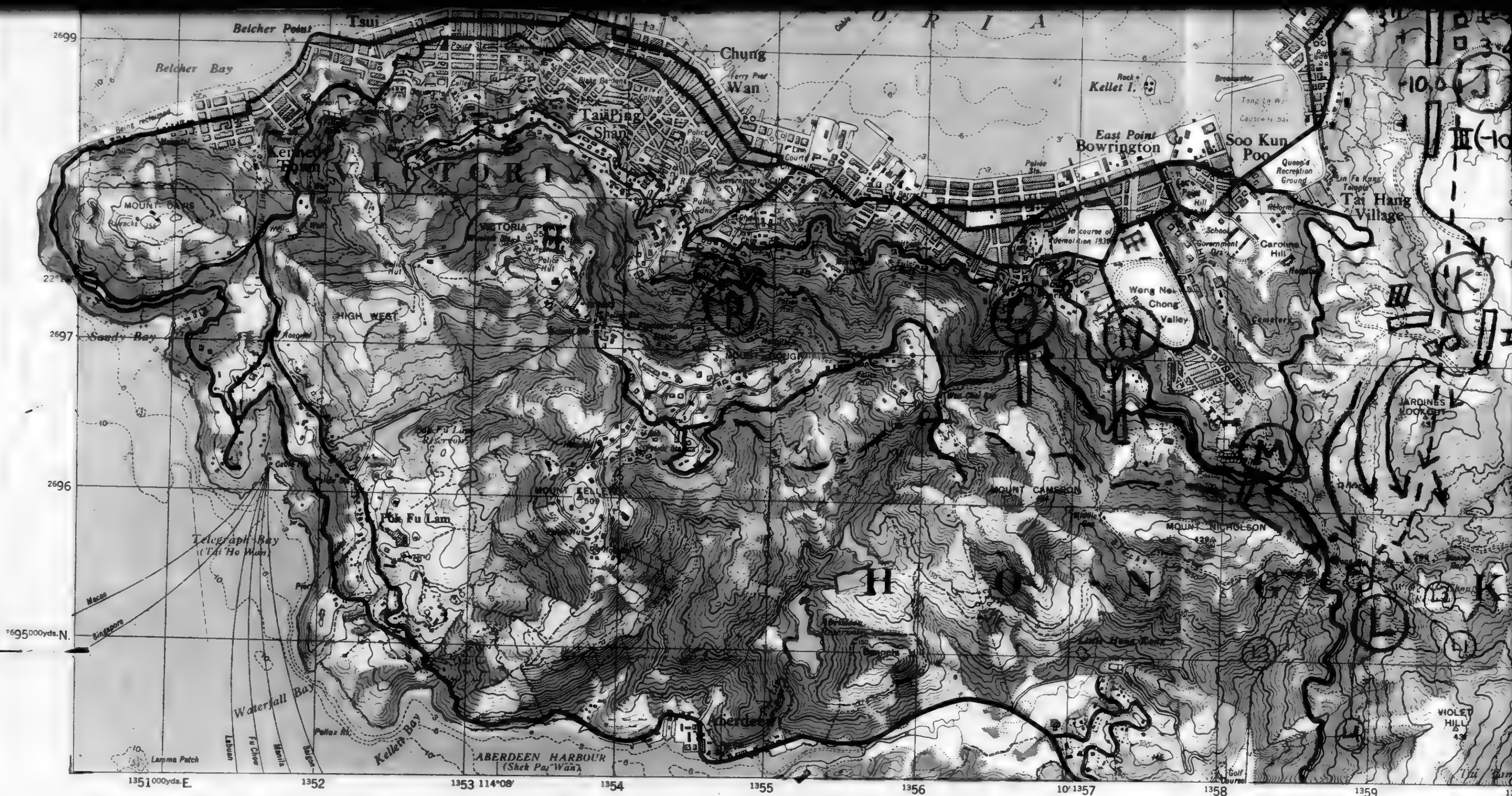
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REFER TO THIS MAP AS:- HIND 1009
SHEET 19 THIRD EDITION



For a full copy of
referred to in affi-
davit before me at

00340



Geographical Section, General Staff, No 3868.

Published at the War Office, 1930.

Second GSGS Edition, 1932 (Revised 1938) (AMS 1), 1945.

Reproduced under the direction of the Chief of Engineers by the Army Map Service, U.S. Army, Washington, D.C., 1945, from British prints of a map drawn at Ordnance Survey, 1930, 1939, Geographic values adjusted, British grid deleted and World Polyconic grid added by AMS, 1945.

Isolated boulders.....
Villages.....
Isolated houses.....
Post Office, Telegraph Office.....

P.O. T.O. P.T.O.

CONVENTIONAL SIGNS

Boundaries: International.....
" Administrative.....
Railways.....
" Narrow gauge.....
Roads: 1st Class, 2nd Class.....
" 3rd Class, Cart track.....
Bridle path, Foot path.....
Power Line.....
Telegraph and Telephone lines.....
" " " along roads.....
Wall or Fence.....
Trig. station and height.....
Heights (in metres) above M.S.L.....
Contours, at 10 m. Vert. Int.....
Cliffs.....

Scale 1:20,000.
Yards 1000 500 0 1000 2000
Metres 1000 500 0 1000 2000

Contour interval 10 metres; every 50 accentuated.

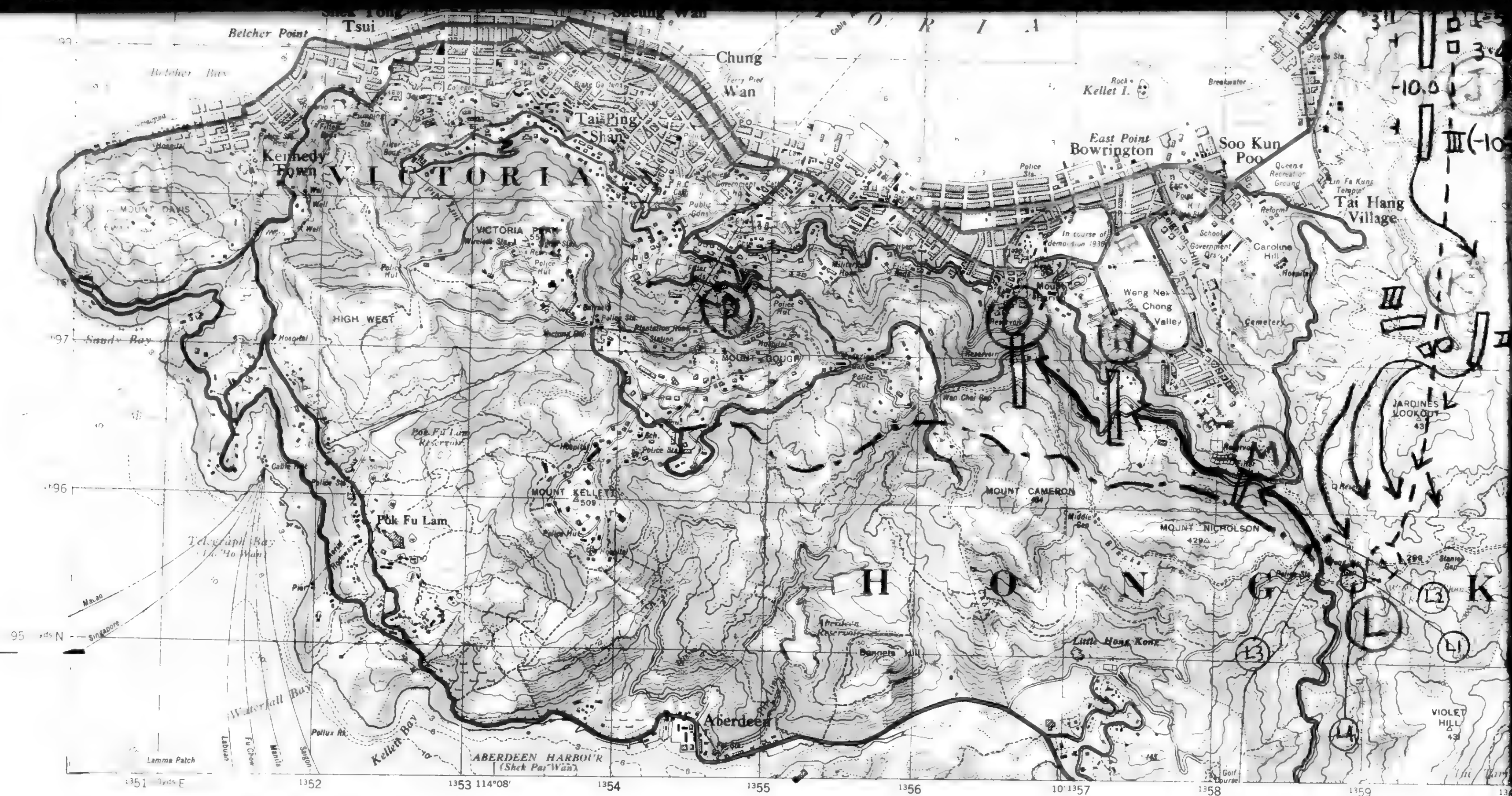
INCIDENCE OF SHEETS DIAGRAM

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24

The graticule on the GSGS printing of this edition, which is based on second order triangulation, was adjusted to that of the AMS 1:50,000 series of Kwangtung Province by subtracting 30 seconds from latitudes and 28 seconds from longitudes. Maximum differences of 275 yards in Northings and 200 yards in Eastings exist between the grid and graticule on this series and those shown on the AMS 1:50,000 Type B series of Kwangtung Province, due to differences between original surveys.

REFER TO THIS MAP AS: HIND 1009
SHEET 19 THIRD EDITION

00341



Geographical Section, General Staff, No 3868.

Published at the War Office, 1930

Second GSGS Edition 1932 Revised 1938 (AMS 1), 1945

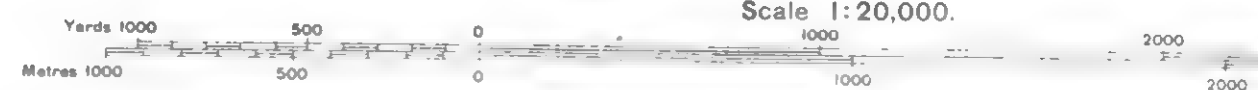
Reproduced under the direction of the Chief of Engineers by the Army Map Service, U.S. Army, Washington, D.C. 1945 from British prints of 1:50,000 scale drawn at Ordnance Survey 1930, 1939. Geographic values adjusted, British grid deleted and World Polyconic grid added by AMS, 1945.

Isolated buildings
Villages
Isolated houses
Post Office, Telegraph Office

P.O. TO P.T.O.

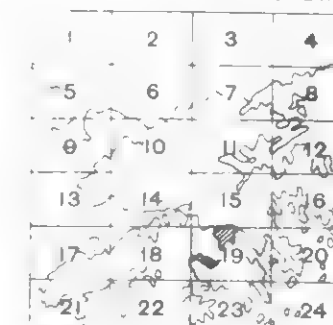
CONVENTIONAL SIGNS

Boundaries International	---
" Administrative	---
Railways	(Embankment) (Cutting)
" Narrow gauge	---
Roads, 1st Class, 2nd Class	---
" 3rd Class, Cart track	---
Bridle path, Foot path	---
Power Line	---
Telegraph and Telephone Lines	---
" a.d.g. roads	---
Wall or Fence	---
Trig. station and height	242
Heights (in metres) above M.S.L.	45
Contours, at 10 m. Vert. Int.	---
Cliffs	---



Contour interval 10 metres; every 50 accentuated.

INCIDENCE OF SHEETS DIAGRAM



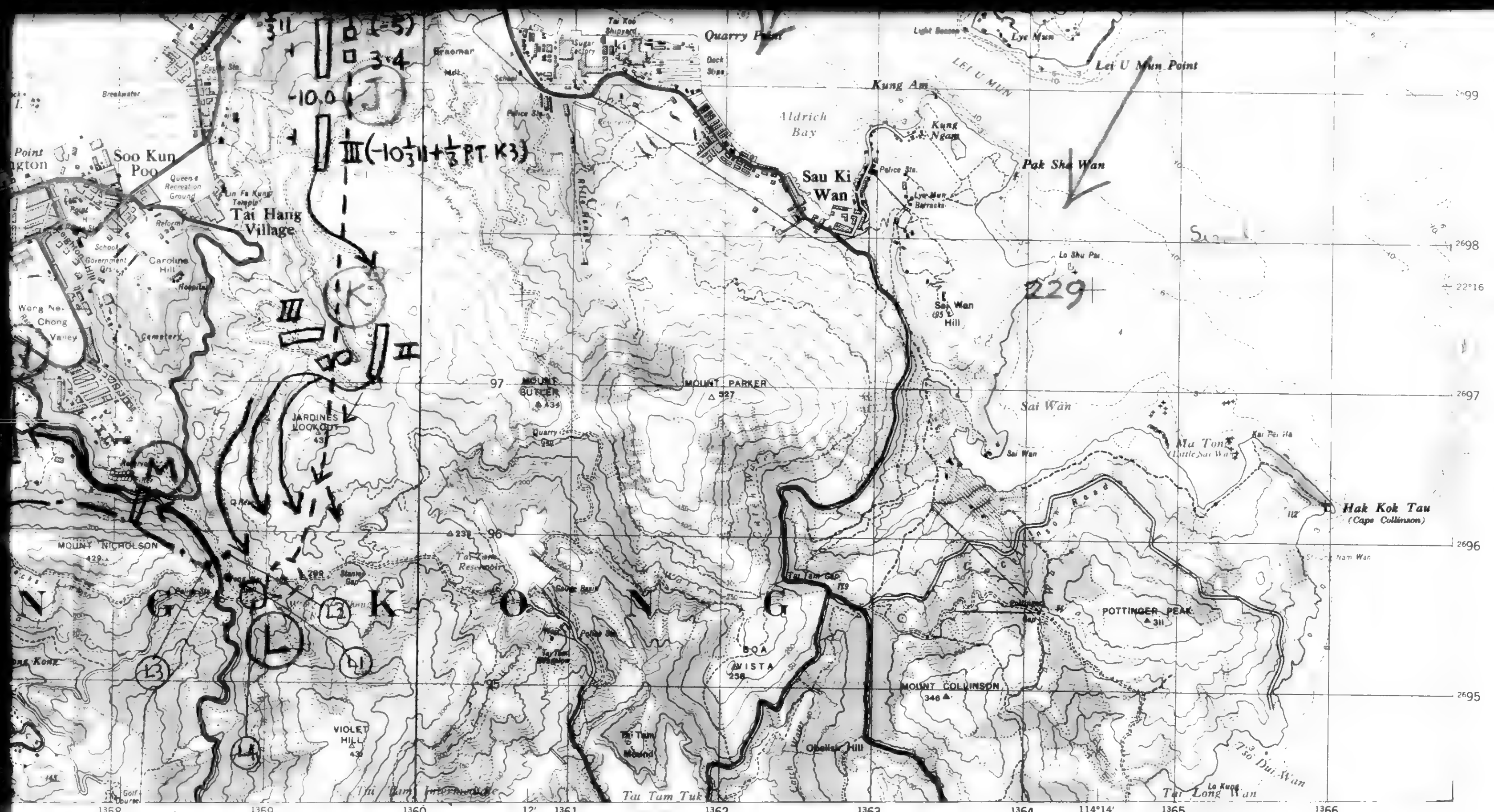
The graticule on the GSGS printing of this edition which is based on second-order triangulation was adjusted to that of the AMS 1:50,000 series of Kwangtung Province by subtracting 30 seconds from latitudes and 28 seconds from longitudes. Maximum differences of 275 yards in Northings and 200 yards in Eastings exist between the grid and graticule on this series and those shown on the AMS 1:50,000 Type B series of Kwangtung Province, due to differences between the two series.

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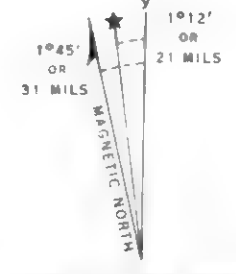
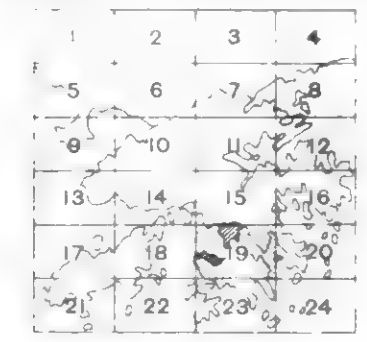
00342

Handed copy of sketch mounted on
red in an afternoon of 1945



Contour interval 10 metres; every 50 accentuated.

INCIDENCE OF SHEETS DIAGRAM



APPROXIMATE MEAN DECLINATION 1945
FOR CENTER OF SHEET
ANNUAL MAGNETIC CHANGE
Use diagram only to obtain numerical values

CONVENTIONAL SIGNS

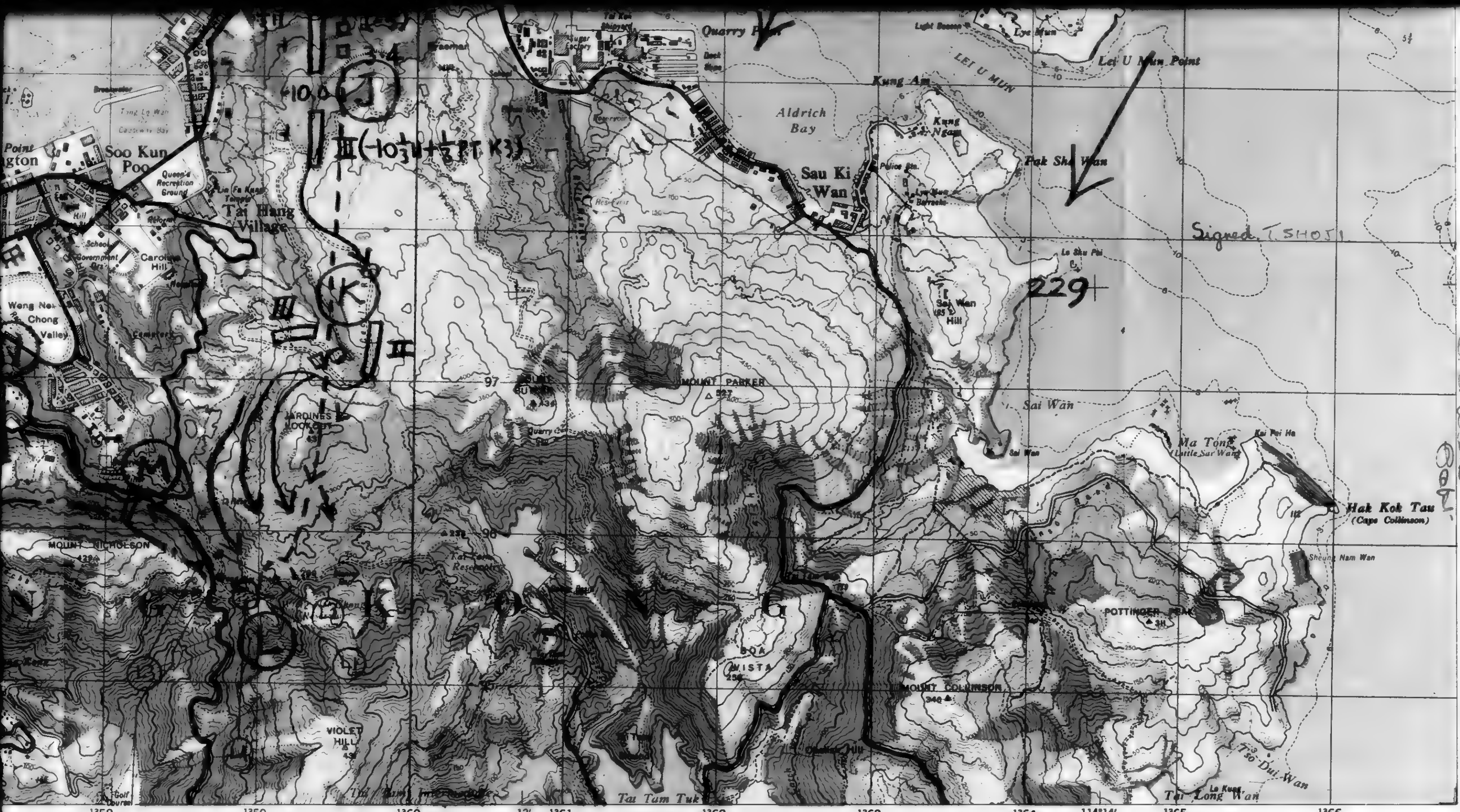
- Rocks. Awash. Submerged
- Drying Reef
- Lighthouse
- Chinese Tomb. Stone Tower
- Cemeteries
- Woods: Thick
- " Scattered
- Scrub
- Orchard
- Marsh or Swamp. Mangrove
- Irrigated land
- Salt pans
- Bridges (span in feet)

Air Survey by the R.A.F. and ground control
by 2nd Colonial Survey Section, R.E., 1924-25.
Field revision by P.W.D. Hong Kong 1932. and
by R.E. Survey Section, 1935-37.
Plotted by the Geographical Section, General Staff, 1930.

Printed by 71 Base Map Rep. Sec. R.E.
Survey Production Centre South East Asia, Oct. 1945

00343

Original copy of exhibit marked "A"
red to in affidavit of Staji Steadings
in Before me this 25th day of November, 1945.



Scale 1:20,000.

0 1000 2000 3000 Yards

0 1000 2000 3000 Metres

Contour interval 10 metres; every 50 accentuated.

INCIDENCE OF SHEETS DIAGRAM

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24

APPROXIMATE MEAN DECLINATION 1945
FOR CENTER OF SHEET
NO ANNUAL MAGNETIC CHANGE
Use diagram only to obtain numerical values.

CONVENTIONAL SIGNS

Rocks: Awash, Submerged.....
Drying Reef.....
Lighthouse.....
Chinese Tomb, Stone Tower.....
Cemeteries.....
Woods: Thick.....
" Scattered.....
Scrub.....
Orchard.....
Marsh or Swamp, Mangrove.....
Irrigated land.....
Salt pans.....
Bridges (span in feet).....

Ditches or trenches.....
Sand, Mud.....
Fathom Line.....
Stones and Boulders.....

Air Survey by the R.A.F. and ground control
by 2nd Colonial Survey Section, R.E., 1924-25.
Field revision by P.W.D. Hong Kong 1932, and
by R.E. Survey Section, 1935-37.
Plotted by the Geographical Section, General Staff, 1930.

Printed by 71 Base Map Rep. Sec. R.E.
Survey Production Centre, South East Asia, Oct. 1945.

00344

Exhibit EE

Winnick L. C.
S. H. T.

S. H. T.

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00345

EXHIBIT "C"

Exhibit EE

William L. L.
L. L. L.

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00346

Exhibit FF *Witness 45672*
provided

I, Capt. E.C. Watson, certify that I have now fully warned the accused ITO Takeo in the following terms:

"Do you wish to make any statement or to give evidence on oath?
You are not obliged to say anything or give evidence unless
you wish to do so, but whatever you say or any evidence you
give will be taken down in writing and may be given in evidence."
R.P. & (R).

The accused, ITO Takeo states he will make a statement upon oath.

Signature: E. C. WATSON, Capt.

(NAME IN BLOCK LETTERS) E. C. WATSON.

Date: July 23rd, 1947.

I, ITO Takeo make oath and say as follows:-

I have been duly warned that I am not obliged to make any statement, but that whatever I say will be taken down in writing and may be used in evidence. I wish to state voluntarily that:- I am 58 years of age, born at Fukuoka Prefecture, Japan, I am at present detained in the Stanley Gaol, Hong Kong.

My rank in the Imperial Army was Lieutenant General. I took part in the assault on Hong Kong Island during December, 1941. At that time I was Major General. Lieutenant General Sakai was the Commander in Chief and Lieut. General Sano was the Commander of the 38th Division, I was the Commander of the 38th Infantry, Section of the 38th Division. The 38th Infantry Section consisted of the 228th, 229th and 230th Regiments, under the command of Col. Doi, Col. Tanaka and Col. Shoji respectively.

Lt. General Sakai was sentenced to death and executed in Nanking.

Lt. General Sano died in his home in Northern Japan just prior to the cessation of hostilities.

Prior to the attack on Hong Kong the plan of operations was decided by Lt. General Sakai. The order for the attack was given to the Butai Commanders direct by Lt. General Sano, I was present at that time.

The orders were delivered on the afternoon of the 17th December, 1941, at Lt. Gen. Sano's H.Q. in Kowloon. The landing operations were to commence from three points on the Kowloon side at 2200 hours on December 18th.

The Shoji Butai was to embark at Kan Pui Shek (Map ref. 585004)

The Doi Butai was to embark east of the Kai Tak aerodrome (Map ref: 6103)

The Tanaka Butai was to embark west of Iye Mun point.

I landed on Hong Kong Island at 0200 hours on December 19th, at North Point (Map ref: 59909980). At about 0700 hours I proceeded to point marked "A" on the map and remained there until 1200 hours on December 20th, I followed a route which I have marked on the map in a southerly direction to a point marked

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Statement by ITO Takeo.....Page -2-

*B
on the map, arriving there during the late afternoon.

The reason that I was taking this route was to catch up with and inspect the front of the Shoji Butai which was fighting in the Wong Nei Chong Gap.

I remained at point "B" until December 25th, and left that point during the afternoon of that day and proceeded to point "C" (map ref: 58009650).

Prior to the opening of hostilities against Hong Kong, no instructions were issued with regard to the disposal of prisoners captured but it was understood that such prisoners were to be sent to the point at which the Butai had originally landed.

These prisoners would be escorted by men from the Butai, I do not think the Kan Pei Tai were assisting in this escort duty.

I heard of no atrocities being committed against these prisoners.

During the whole of the operation I did not see any prisoners that had been captured. I have not heard of the practice of tying the hands of prisoners on their capture.

I know nothing of the operations around San Ki Wan, Wong Nei Chong Race Course or Repulse Bay.

Whilst I was at point "B" British troops from Stanley Peninsula advanced toward Ty Tam Reservoir and Div. H.Q. either at Kowloon or on the Hong Kong Island ordered a reserve battalion from the Shoji Butai (which had been held in reserve) to attack Stanley Peninsula, I do not know what route they took.

I personally gave no orders about the disposal of prisoners but I warned each regimental commander to treat prisoners in a just manner.

I left Hong Kong on December 30th, 1941, and departed for the Celebes. The route marked on Map Marked "EXHIBIT "A" " were made by me and to the best of my knowledge is the route I took.

The above statement has been read over to me by an interpreter and is a true and correct transcript of what I have said, to the whole of which statement I now append my signature.

Signed at Stanley Gaol, this 23rd day of July 1947.

Signature: IN JAPANESE.

(NAME IN BLOCK LETTERS) ITO TAKEO.

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cms		ins	
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00348

Statement by ITO Takeo.....Page -3-

BEFORE ME

Signature.....E. C. WATSON.....Capt.
14. WAR CRIMES INVESTIGATION TEAM.

An officer detailed to examine the above by the Commander-in-Chief, Allied Land Forces, South East Asia, (Authy: ALFSEA War Crimes Instruction No. 1, 2nd Edition, Para 19 (a)).

CERTIFICATE OF INTERPRETER

I, K. MATSUDA, make oath and say that I truly and correctly translated to the accused, ITO Takeo the words of the above caution and that he thereupon elected to make a sworn statement and that he then made a sworn statement, that he was duly sworn, a statement which I truly and correctly translated in English and saw taken down by Capt. WATSON. I read over the whole of the above statement to the accused in the Japanese language and he acknowledged it as correct and has now duly signed it in my presence and in the presence of Capt. E.C. WATSON. I certify that no inducement, threat or promise was held out to the accused and that he made the above statement entirely voluntarily.

Signed this.....23rd.....day of.....July.....1947.

Signature: K. MATSUDA.

(NAME IN BLOCK LETTERS) K. MATSUDA.

SWORN BEFORE ME

Signature.....E. C. WATSON.....Capt.
14. WAR CRIMES INVESTIGATION TEAM.

An officer detailed to examine the above by the Commander-in-Chief, Allied Land Forces, South East Asia, (Authy: ALFSEA War Crimes Instruction No. 1, 2nd Edition, Para 19 (a)).

CERTIFIED TRUE COPY:

E.C. Watson Captain.
14. WAR CRIMES INVESTIGATION TEAM.

BCW/ME

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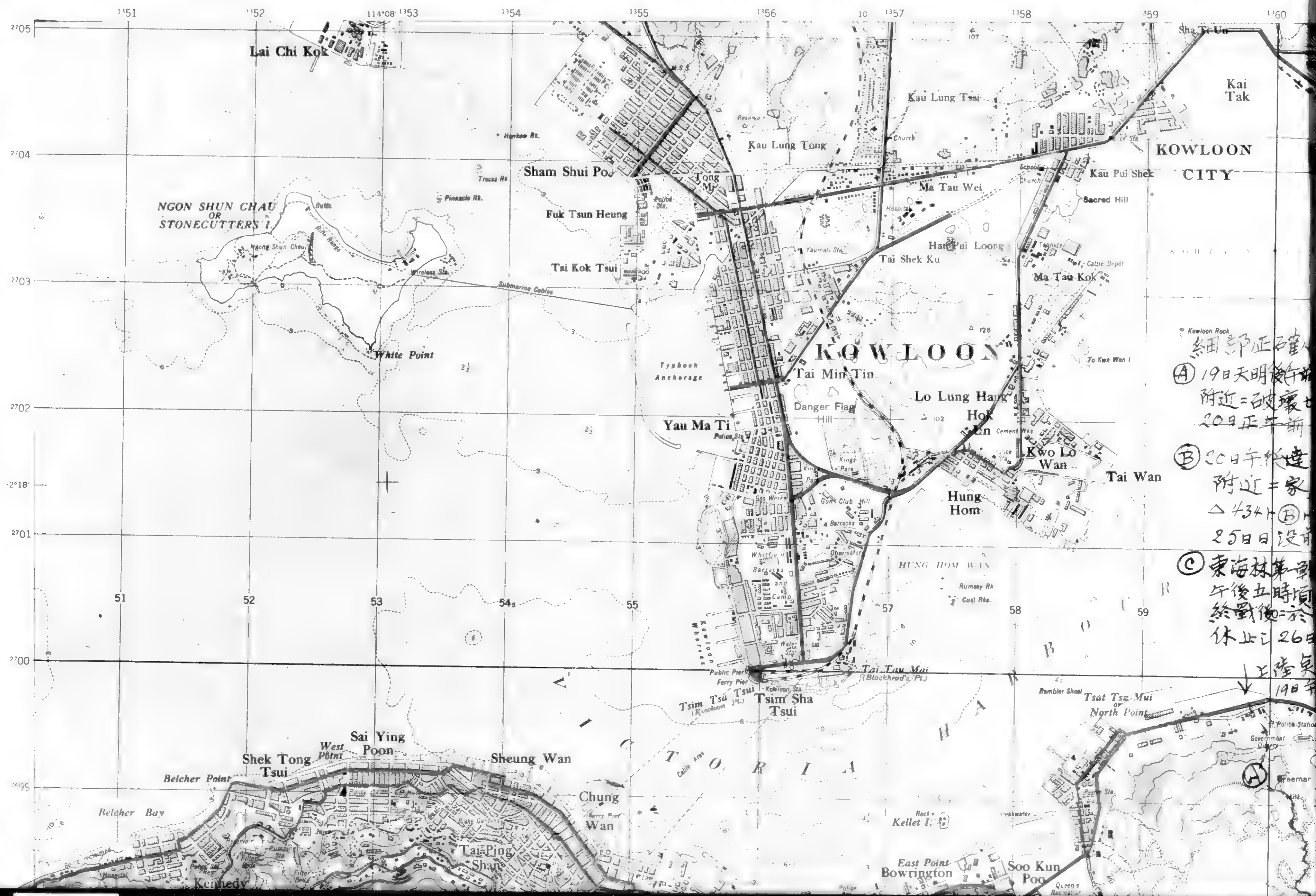
1:20,000 **HONG KONG AND NEW TERRITORY. VICTORIA HARBOUR**



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				WO 235 /1107					

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1:20,000 HONG KONG AND NEW TERRITORY. VICTORIA HARBOUR



細部正確
 ① 19日天明後午前
 附近=破壞
 20日正午前
 ② 20日午後
 附近=家
 △434+②
 25日日没前
 ③ 東海林第
 午後五時頃
 終戦後=於
 休止26日
 上陸
 19日午

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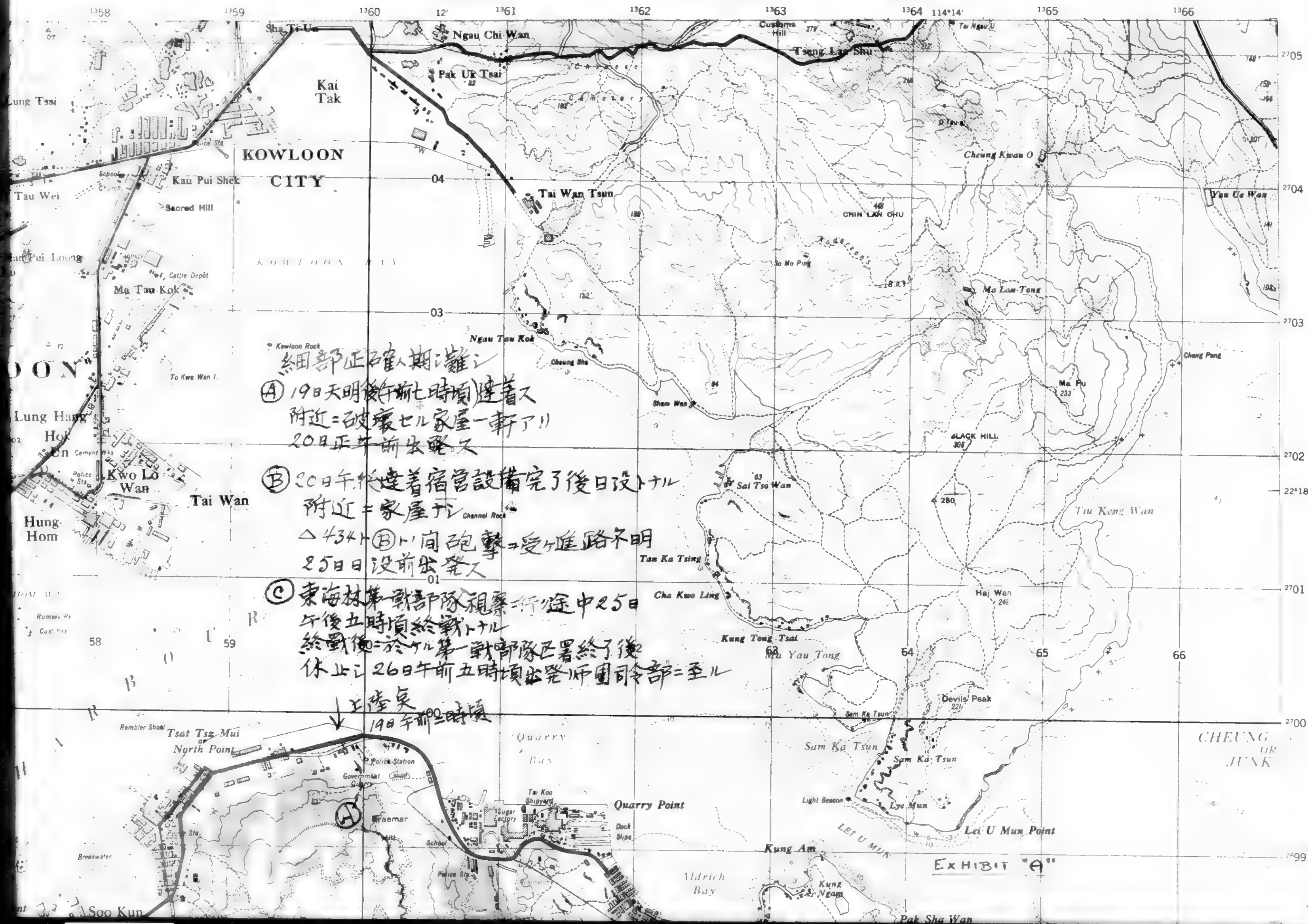
00351

VICTORIA HARBOUR

RESTRICTED

THIRD EDITION

SHEET 19.

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00352

VICTORIA HARBOUR

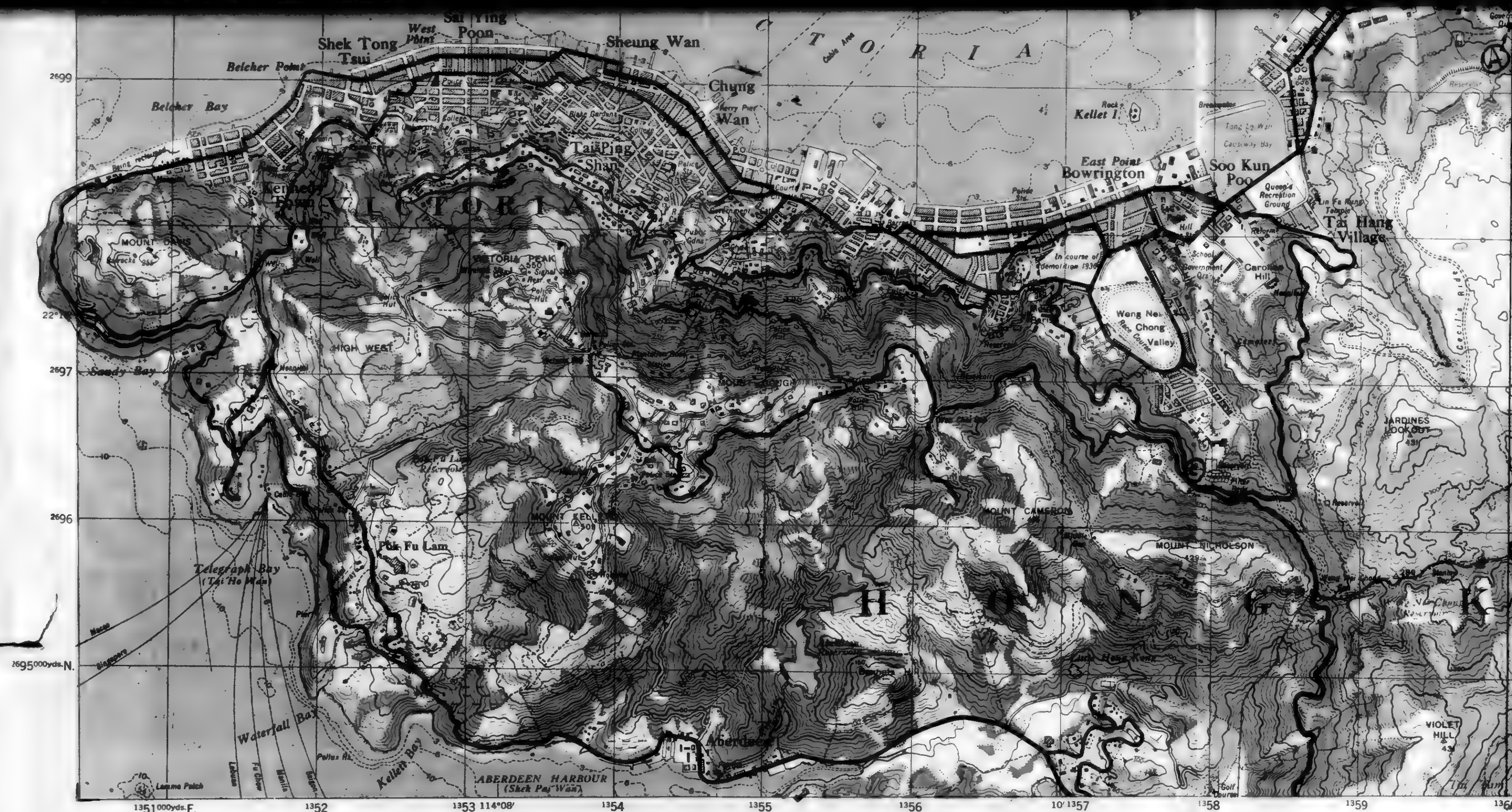
RESTRICTED

THIRD EDITION

SHEET 19.

REFER TO THIS MAP AS HIND 1009
SHEET 19 THIRD EDITION

00353



Geographical Section, General Staff, No 3868.

Published at the War Office, 1930.

Second GSGS Edition, 1932 (Revised 1938) (AMS 1), 1945.

Reproduced under the direction of the Chief of Engineers by the Army Map Service, U.S. Army, Washington, D.C., 1945, from British prints of a map drawn at Ordnance Survey, 1930, 1939, Geographic values adjusted, British grid deleted and World Polyconic grid added by AMS, 1945.

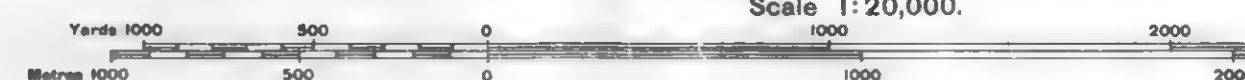
Isolated boulders ..
Villages ..
Isolated houses ..
Post Office, Telegraph Office ..



P.O. T.O. P.T.O.

CONVENTIONAL SIGNS

Boundaries: International	---
" Administrative	---
Railways	---
" Narrow gauge	---
Roads: 1st Class, 2nd Class	---
" 3rd Class, Cart track	---
Bridle path, Foot path	---
Power Line	---
Telegraph and Telephone lines	---
" " along roads	---
Wall or Fence	---
Trig. station and height	---
Heights (in metres) above M.S.L.	---
Contours, at 10 m. Vert. Int.	---
Cliffs	---



Scale 1:20,000.

Contour interval 10 metres; every 50 accentuated.

INCIDENCE OF SHEETS DIAGRAM

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24

The graticule on the GSGS printing of this edition, which is based on second order triangulation, was adjusted to that of the AMS 1:50,000 series of Kwangtung Province by subtracting 30 seconds from latitudes and 28 seconds from longitudes. Maximum differences of 275 yards in Northings and 200 yards in Eastings exist between the grid and graticule on this series and those shown on the AMS 1:50,000 Type B series of Kwangtung Province, due to differences between original surveys.

REFER TO THIS MAP AS--HIND 1009
SHEET 19 THIRD EDITION

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Ref.:
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Published at the War Office, 1930
Second GSGS Edition, 1932 (Revised 1938) (AMS 1 194

Reproduced under the direction of the Chief of Engineers
by the Army Map Service, U. S. Army, Washington, D. C. 1945,
from British pulls of a map drawn at Ordnance Survey 1930-1939.
Geographic values adjusted, British grid deleted and World
Polyconic grid added by AMS, 1945.

Isolated boulders
Villages
Isolated houses
Post Office Telegraph Office

REFER TO THIS MAP AS HIND 1009
SHEET 19 THIRD EDITION

CONVENTIONAL SIGNS

Boundaries International
" Administrative
Railways
" Narrow gauge
Roads 1st Class 2nd Class
" 3rd Class Cart track
Bridle path Foot path
Power Line
Telegraph and Telephone Lines
" a/crg roads
Wall or Fence
Trig. station and height
Heights (in metres) above M.S.L.
Contours at 10 m. vert. int.
Cliffs

Scale 1:20,000.

Yards 1000 500 0 1000 2000

Metres 1000 500 0 1000 2000

Contour interval 10 metres every 50 accentuated

INC'DENCE OF SHEETS DIAGRAM

The pratiquelle on the GGSs printing of this edition, which is based on second order transposition, was adopted in that of the AMS 150000 series of Waxwinging. Printing by rotation of 30 seconds from left to right and 4 seconds from top to bottom. Maximum difference: 1.22% (width) and 1.1% (height). Easters exist between the first and pratiquelle of the AMS and those shown in the AMS 150000. Type F is not a waxwinging, but a printing of the AMS 150000.

00355

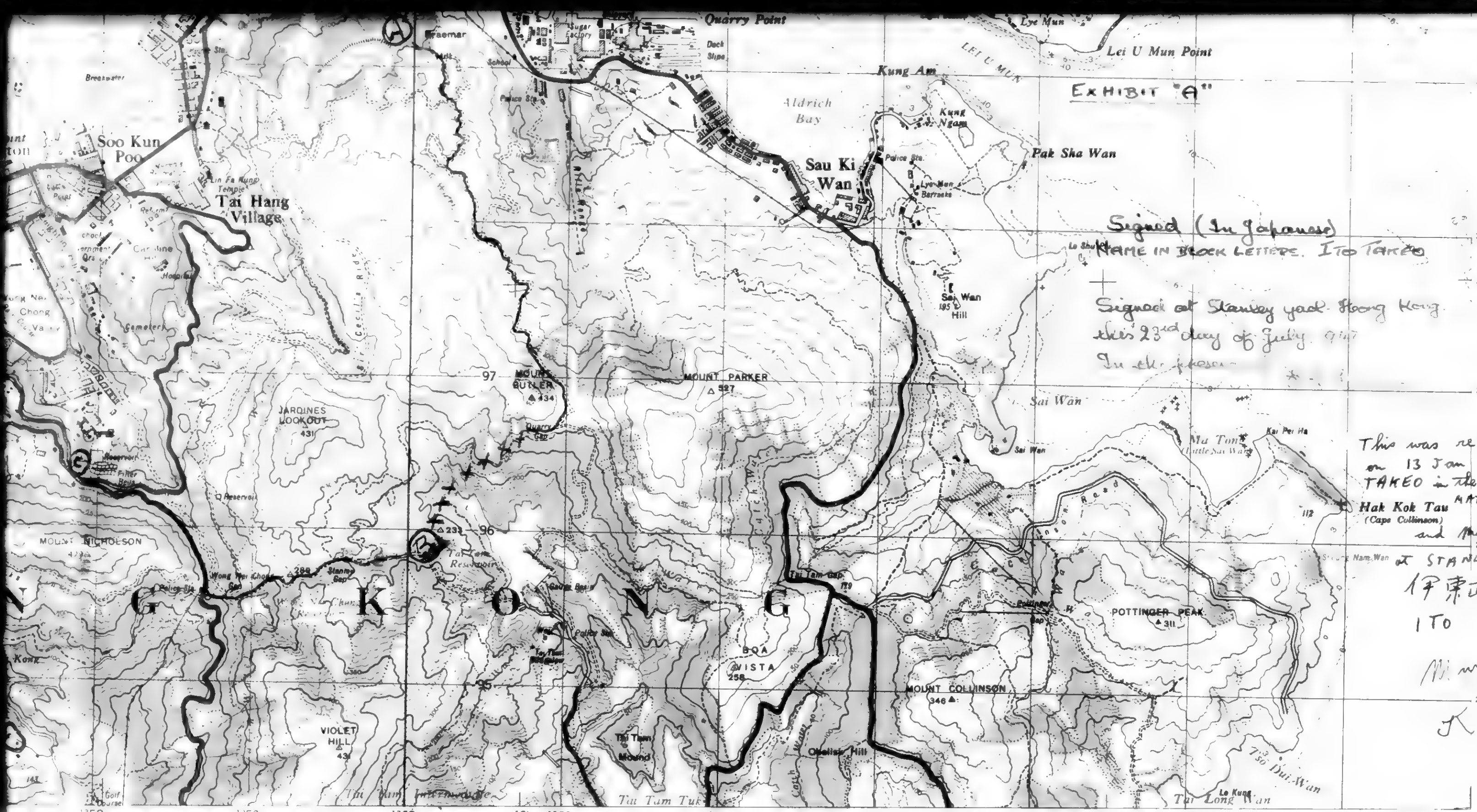
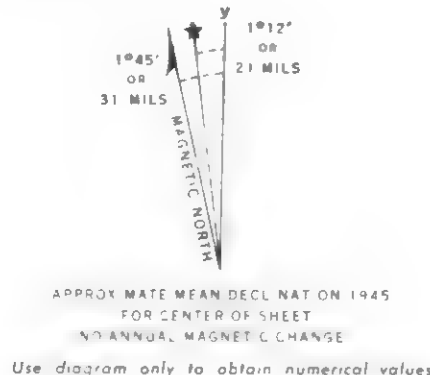
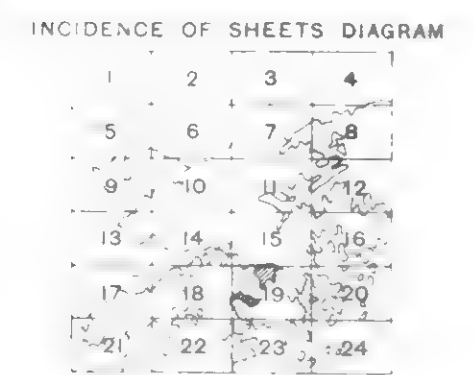
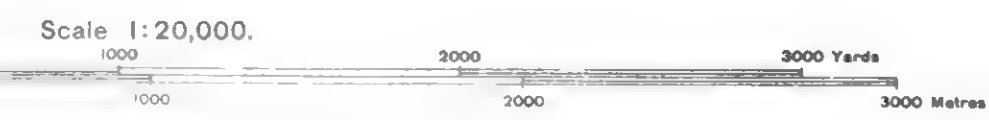


EXHIBIT "A"

Signed (In Japanese)
NAME IN BLOCK LETTERS. ITO TAKEO
Signed at Stanley Jail, Hong Kong
this 23rd day of July, 1947
In Japanese

This is Exhibit A reference
in the statement

This was re-checked
on 13 Jan 48 by ITO
TAKEO in the presence of
Hak Kok Tau MATSUDA Kunichiro
(Cape Collinson) (interpreter)
and Major M. I. Ormaly.
at STANLEY Jail:-
伊東武夫
ITO TAKEO
M. I. Ormaly
Major
K. Matsuda



CONVENTIONAL SIGNS

- Rocks: Awash. Submerged
- Drying Reef
- Lighthouse
- Chinese Tomb. Stone Tower
- Cemeteries
- Woods: Thick
- " Scattered
- Scrub
- Orchard
- Marsh or Swamp. Mangrove
- Irrigated land
- Salt pans
- Bridges (span in feet)

- Ditches or trenches
- Sand. Mud
- Fathom Line
- Stones and Boulders

Printed by 71 Base Map Rep. Sec. R.E.
Survey Production Centre, South East Asia, Oct. 1945

00356

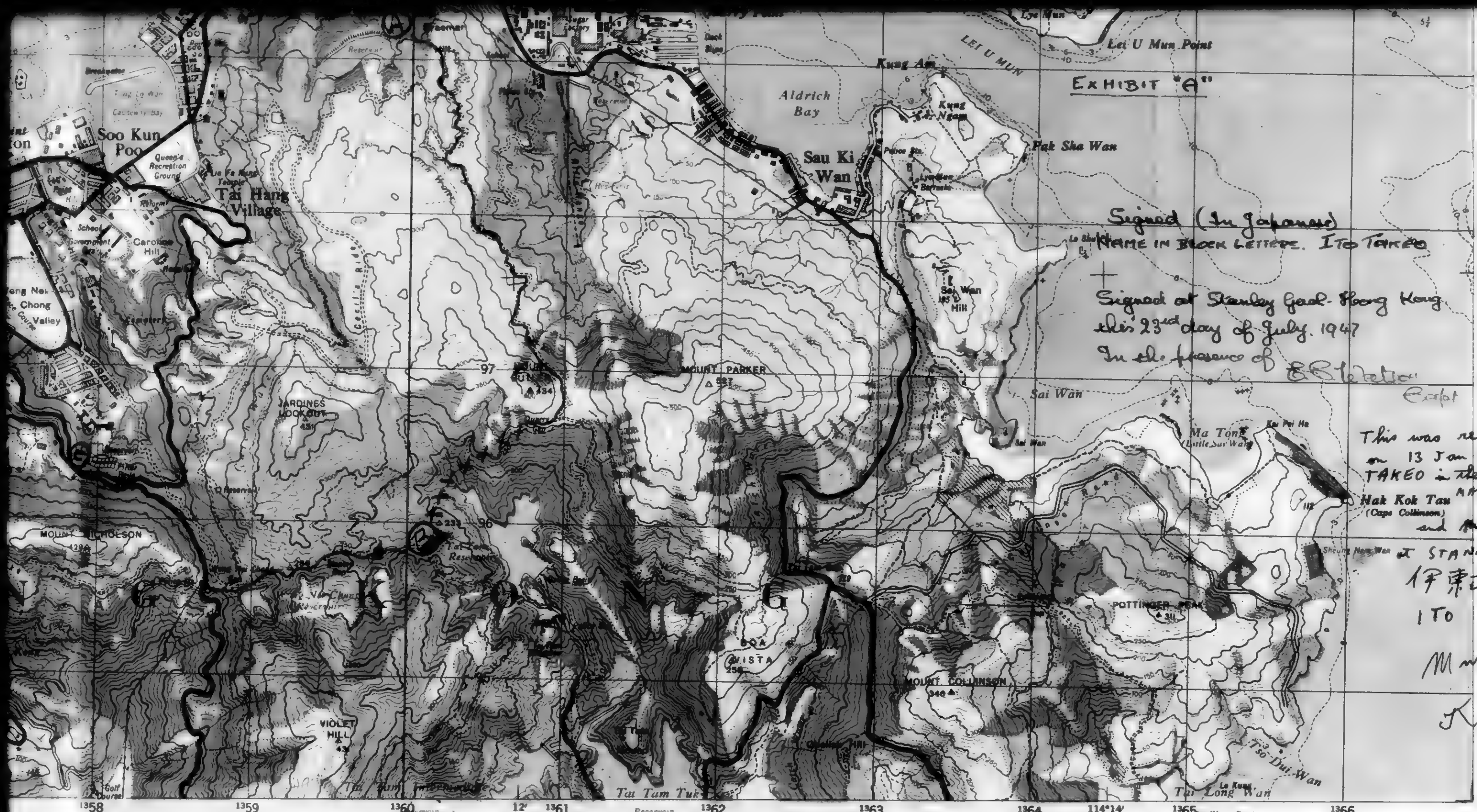


EXHIBIT "A"

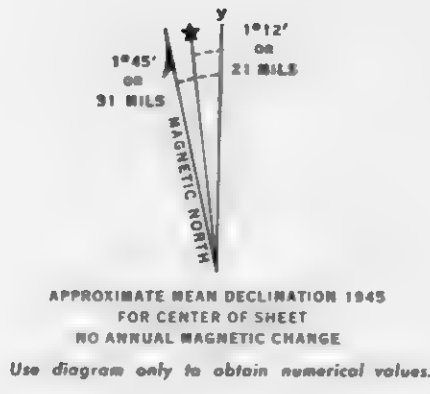
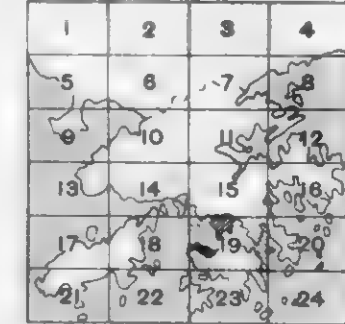
Signed (In Japanese)
NAME IN BLOCK LETTERS. ITO TAKEO
Signed at Stanley Gaol, Hong Kong
this 23rd day of July, 1947
In the presence of E. S. Watson
Capt

This is exhibit "A" referred
to in the statement of
Ito Sobao

This was re-checked
on 13 Jan 48 by ITO
TAKEO in the presence of
Hak Kok Tau (Cape Collinson)
and Major M. I. Ormsby.
STANLEY Gaol:-
伊東武夫
ITO TAKEO
M. I. Ormsby
Major
K. Matsuda



INCIDENCE OF SHEETS DIAGRAM



CONVENTIONAL SIGNS

- Rocks: Awash, Submerged
- Drying Reef
- Lighthouse
- Chinese Tomb, Stone Tower
- Cemeteries
- Woods: Thick
- " Scattered
- Scrub
- Orchard
- Marsh or Swamp, Mangrove
- Irrigated land
- Salt pans
- Bridges (span in feet)

- Ditches or trenches
- Sand, Mud
- Fathom Line
- Stones and Boulders

Air Survey by the R.A.F. and ground control
by 2nd Colonial Survey Section, R.E., 1924-25.
Field revision by P.W.D. Hong Kong 1932, and
by R.E. Survey Section, 1935-37.
Plotted by the Geographical Section, General Staff, 1930.

Printed by 71 Base Map Rep. Sec. R.E.
Survey Production Centre, South East Asia, Oct. 1945.

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EXHIBIT "A"

THE NATIONAL ARCHIVES			
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Exhibit H.H.

P. Danish H. Cd.
Resident.

No 19

Summary of examination of ^{BROTHER} ~~FRANK~~ MICHAEL HOGAN

duly sworn states :-

I am 59 years of age, of AMERICAN Nationality, and born
at Philadelphia Pa. U.S.A.My permanent address is CATHOLIC FOREIGN SOCIETY OF AMERICA,
MARYENOLL, N.Y.

I am at present living at MARYENOLL MI. 107, LANLAW.

On December 25 ~~1941~~ 1941 at 7 a.m. the Japanese came. All of us (about 34 in number) were ordered downstairs. In about an hour's time 6 British Officers were brought in. They were captured nearby. I know some of them: they used to eat here. The Officers were tied with hands at back. Lt. LAURENCE was tied most cruelly with a rope around his neck. I was afraid he would be strangled to death at any moment. A Japanese M.I. came and loosened the rope. We were kept sitting out till the afternoon about 3 p.m. The British officers were marched down the road, we were forced to take off our long coats and our hands were tied behind our backs. They marched us down to the main road and lined us up against the hillside. The six British officers were lined up in front of us about 3 feet away. The Japanese officer phoned up to somebody unknown and after a short conversation, he gave the command for the British officers to be marched off to the gully which was only a few yards away around the corner. Shortly after, I heard terrible screams of pain, and I saw a British Officer running from the direction from where the screams came, to about 5 yards in front of me. Here was a Japanese soldier guarding us and this Jap. soldier pierced this officer with his bayonet slightly wounding the Britisher who was thus forced to return to where he came from. After a time all the screams and cries ceased and I presumed that all the men had died. After this the Jap Officer in-charge of us again phoned up somebody and a fairly long argument followed. After this we were all marched off to a building and tied up for three days and three nights.

(Sd.) Brother Michael Hogan

Sworn before me.....

T. J. J. (Capt.)
CHIEF CLERK, INVESTIGATION UNIT,
Hong Kong.This..... Thirteenth..... day of..... March..... 1946.Detailed to examine the above by the Commander-in-Chief, Allied
Land Forces, South East Asia.

(Authority :- ALLIED WAR CRIMES INSTRUCTION No.1 - Para.7)

/on.

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00360

Exhibit II. 48 11/11/46 M-22

Summary of examination of CHU I CHUNG (張 兆 忠),
duly sworn states:-
I am 39 years of age, of Chinese Nationality,
and born at LOH TENG, KWANG TUNG PROVINCE, CHINA.
My permanent home is at LOH TENG VILLAGE, KWANG TUNG PROVINCE.
I am at present living at MARYMALL WISCONSIN, ST. LOUIS, MISSOURI.

On 26/12/41, at about 2200 hours I was ordered,
together with another R.F. coolie, to carry out a wounded
British soldier to the back of the Mission Building, and then
I witnessed three Japanese soldiers smashing the head of this
wounded man with a blade and wooden club until he died.

On 27/12/41, at about 1400 hours, I was again
ordered together with another R.F. coolie to carry out a wounded
Canadian soldier out to a spot near the tennis court. Three
Japanese soldiers here bayoneted to death this wounded man.

After this the R.F. coolie and myself were
ordered to bury the above two dead bodies in a trench nearby.

The bodies are now being dug up.

Philip Chung

(Sgt.)

INTERPRETER.

I certify that I duly translated the above summary to the
witness in his own language prior to his signature which appears
above.

(Sgt.) Capt.

Solemn declaration made before me Capt.,

WAR CRIME INVESTIGATING TEAM,
HONG KONG.

This Thirteenth . . day of March 1946.

Detailed to examine the above by the Commander-in-Chief, Allied
Land Forces, South East Asia.

(Authority:- AFMSEA War Crimes Instruction No. 1 para 7).

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00361

Exhibit 55 I. H. H. H. H. H.

DEFENCE SUBMISSION OF NO CASE TO ANSWER READ OUT
BY THE ADVISORY OFFICER (Exhibit "JJ") *President*

At this stage, Sir, when the Prosecution has just finished its case, I feel it proper for the Defence to make a submission to the Court.

The present case, Sir, is based in the light of the charge sheet, on the fact that all wrongful acts were committed by units under the command of the Accused. Such facts, however, have not been so far satisfactorily established throughout the Prosecution case. Therefore, I, the Defence Counsel for this case, wish to submit here that there is no case to answer at all. I wish to ask your Honour to have the charge against the Accused withdrawn and acquit the Accused at once.

The grounds for my submission may be ramified as follows:

1. In the attack of Hongkong by the Japanese Army at the time, the Tanaka Unit, being placed on the left flank, was out of the command and order of the accused, who was placed on the right flank. Therefore, all incidents which took place within the area of operation of the Tanaka Unit were beyond the responsibility of the Accused.

2. As regards the incidents at Stanley and Tytam Tuk areas, it is clear that these wrongful acts were not committed by the units under the Accused's command. Disregarding even the possibility of movements of the Tanaka Unit in those areas, it must be noted that the units under the command of the Accused, No. 228 and 230 Regiments, did not step a foot into those areas.

3. As regards the incidents at other places, the Prosecution has failed to establish convincingly sufficient proof that those wrongful acts were committed exclusively by the units under the command of the Accused. During the operation which lasted for several days, the extent of the whole operational area being so small, the courses of movements were interlapping each other among units of various sorts and a great confusion was caused among the attacking forces. The evidence of the Prosecution witness, General Tanaka Ryusaburo, may be cited for an instance. According to him, in the afternoon of December 19th, the Stanley Gap area was crowded with the main body of the Tanaka Unit, the artilleries, the ambulance corps, the signal corps, etc. of the Japanese Force all passing through the Gap. These units were not under the command of the Accused.

Again according to the evidence given by the Prosecution witnesses Chan Wei-fong and Lee Yuck-lan, constant and intense artillery fire was heard near in the vicinity of Blue Pool Road, which runs up the hills just above the Wongneichong Valley. We know, therefore, by deducing from this evidence, that artillery battery had already advanced positions in the near vicinity at the time. Moreover, it was testified by the Prosecution witness, Tanaka Ryusaburo that there was no difference as regards the uniform and equipment of each man of the Japanese Army at the time among different branches of service. There was no mark by which one branch could be distinguished from the other.

As such as explained thus far, the Prosecution evidence has consisted of many, if not only, stray, misleading and dubious allegations, all of which no doubt must have been planned, however in vain, to bring out the most vital points of the charge. These allegations have been too weak to conclude that the wrongful acts of the charge were committed exclusively by units under the Accused's command. Such points as these constituted

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DEFENCE SUBMISSION OF NO CASE TO ANSWER (Exhibit "JJ") (Contd)

the most essential elements of the contents of the charge, being as doubtful as they are, must of necessity lead to the acquittal of the Accused.

In a word, the prerequisites to the proceedings for the trial have never been proved, and I am convinced that this charge was made under a mistaken supposition.

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Exhibit KK.

St. Dennis L. L.

President.

~~△~~

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00364

Exhibit LL

P. W. Wright Lt. Col.
Present.CLOSING ADDRESS

22

Defense of Lieut.-Gen. ITO TAKESHI

May It Please The Court.

The point at issue in this case is whether the accused, as Unit Commander, should be held responsible for alleged atrocities committed by his troops.

Before dealing with my legal point of view I am going to recapitulate, very briefly, the organization of the Japanese Units which participated in the attack on Hong Kong Island on Dec. 17th 1941.

The important point to consider is, what position did the accused hold in the organization of the Japanese 30th Division?

The Commander-in-Chief of the army was Lieut.-Gen. SAITAI, and the main force, namely the 30th Div., was under the command of Lieut.-Gen. SANDO. The organization of the 30th Division was roughly as follows:

The Right Flank Group.

This group was under the command of Lieut.-Gen. ITO, then Maj.-Gen. and it comprised the 220th and 230th Inf. regiments, and other units.

The Left Flank Group.

Under the command of Colonel TANAKA, and it comprised the infantry 229 Regt. and other units.

The Right Arty. Group.

Mountain Gun Unit.

Left Arty. Group.

Independent Mountain Gun Regiment.

Div. Reserve Unit, which consisted of two battalions, one from the 229th Regt., and the other from the 230th Regt.

Straight Crossing Unit. Independent Engineers

Balloon Garrison Force.

Signal Unit.

Supply Unit.

The total strength of the Division amounted to twenty thousand.

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That, very briefly is the organization of the Japanese 38th Div. The accused then Maj-Gen. ITO landed on Hong Kong Island as Right Flank Commander, and came under the direct command of the Divisional Commander.

Let us now consider the burden of responsibility. It is a known fact that one should be held responsible for committing a criminal offence, whether or not his crime was premeditated. That is the law. This is the code of law, which has been enforced so as to prevent further repetition of crime. Whether the crime is against society or, on a larger scale, against humanity, it should not be a form of repetition. Let me quote a very short passage from Archibald on the subject of criminal fault.

"The capacity to commit crime presupposes an act of understanding and an exercise of will, and the full definition of every crime contains expressly or by implication a proposition as to a state of mind. In all cases whatever, competent age, sanity and some degree of freedom from coercion are assumed to be essential to criminality."

Therefore, it may be understood that such responsibility is essentially concerned with some subjective condition as whether or not he acts deliberately.

If you agree with this, do you think that a man should be held responsible for a crime that others have committed? Do you think that the burden of criminal responsibility should rest on his shoulders? Should he be held responsible for a crime that he tried to prevent? For what is he responsible. For a crime that he did not commit or for a crime committed by others?

Gentlemen, I crave your indulgence to deliberate on these points, it is for you to decide.

It has been stated in evidence that the accused took every measure to prevent unlawful behaviour, and therefore, before the invasion on the island, he gave an address to his subordinate commanders, stating that they should abide by the Laws and Usages of War and they should not trespass on the civil rights and liberties of the inhabitants.

He did his best to prevent any illegal acts. Once he passed the order to his subordinates, it was up to them to obey it, and they were directly responsible to him for the conduct and discipline of their troops.

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Now I wish to deal with the defendant's power of command during the operation on Hong Kong.

During the operation on the Island he acted as commander of the right flank force, although his original appointment at that time was Commander of the 38th Inf. Group of the 38th Division.

The 38th Division consisted of three Regts. The 228th, the 229th and the 230th Inf. Regiments.

Now a confusion of authority arises, who is the right flank commander and who is the Inf. Group commander.

My learned friend the prosecutor brilliantly played on this point, in the hope of trying to establish the difference between these two commands.

I will establish it for him in one paragraph.

Firstly, the Inf. Group would be employed in its original formation in time of peace, but in war it becomes a flexible one. The unit is divided up into various operational units, according to circumstances. Therefore the chain of command would be altered, and gradually the Inf. Group would become dominant. Now this New Unit has been formed was aptly described by the defendant when he gave his evidence.

The object of the peace time organization, that is the Inf. group, is for the purpose of unit training and education. The 38th Inf. Group changed its time of command several times. Let us follow the change of command from the commencement of the Hong Kong operation.

When the Japanese Army crossed the New British Border, between 8th Dec and 10th Dec, the defendant then Maj-Gen. ITO commanded No.229 and 230 Inf. Regts.

Between Dec 10th and 16th, during the attack on Kowloon, ITO commanded the 229th Inf. Regt. only.

Finally between Dec 17th and 26th, during the main assault on the Island, he commanded the 228th 230th Inf. Regts.

It is these two regiments that formed the right-flank group. The remaining Regt. the 227th Inf Regt. (Col Takano) formed the left flank group. Both these units were entirely independent, taking orders from their respective flank commanders. Both units came under direct command from Div. Gen.

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During this period Maj.-Gen. ITO's appointment as Inf. Group Commander was temporarily suspended. His duty and authority was merely to act as the right flank commander.

If the defendant is to take responsibility for any of the charges, it should be limited to the events that took place within this right flank group.

And if certain crimes were committed by troops of the left flank group, (which consisted of various Units besides the 289th and Inf. Regt.) it is not logical to assume that commander should be held responsible. Probably my learned friend will think that I am "passing the buck" if I may use a rather hedged phrase. If so I deny it. I am merely trying to establish the simple fundamental principles of criminal law. Should "A" be held responsible for "B"'s follies? Surely not. Especially when "B" has already been punished for a crime that "A" has been accused of.

Now I wish to deal with the Divisional Reserve Unit which has been the centre of a certain amount of argument during this case.

The Divisional Res Unit, which consisted of two battalions, attached Stanley. The point at issue is whether that unit came under the direct command of Gen. ITO.

It has, I think, been fairly established, that as soon as this unit was enrolled it came under the direct command of the Div. Commander.

Let us now analyze the contents of each charge, and see how the burden of responsibility of the defendant fits in, and to what extent.

Let us deal with the first charge, with regards to the events that took place at Iyemori Fort, Sai Wan, Mt. Parker, Badcliffe, Repulse Bay and Deep Water Bay.

I wish to point out to the Court that Maj.-Gen. TAKANO, was tried convicted, and admitted responsibility, for the events that took place at the above places.

The events that took place at Maryknoll Mission came under the Divisional Res Unit. I have already explained to the Court that this unit came under the command of the Div. Commander.

Therefore I submit to the Court that my client Lieut. Gen. ITO should not be held responsible for crimes committed in these places.

The basis for my submission will be noticed in one of my previous

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argued.

Now, concerning the Hong Nei Chong Gap. It was the policy or I should say, the eventual plan of the Div. Commander to split the island into four parts.

It was very unfortunate that Hong Nei Chong was the centre. Various units had passed there in an attempt to break through.

When the TAYAKA unit arrived at Stanley Gap at 1600 hrs on Dec 14th, the DOI Unit was fighting about 500 metres to the west of this position. By this time many units had arrived at this point at Stanley Gap. The Shofi Unit suffered heavy casualties.

Many Prosecution Witnesses have described incidents that took place at Stanley Gap at about 1600 hrs on Dec 19th, but at that time the DOI and Shofi Units were not in the vicinity.

Col. Charyo

All events that occurred at Stanley Gap under the responsibility of the Div. Commander.

Col. Charyo.

The Silongian Mission is situated near Sai Wan, quite close to the point where Maj-Gen. TAYAKA landed. This was the area that the TAYAKA Unit operated.

Certain incidents took place at the Jockey Club. Jockey club came within the area of the Shofi and DOI Unit. These alleged atrocities took place on the 25th Dec. 1941.

It has also been alleged that certain atrocities took place in the New Pool Road, but I maintain that it is difficult to ascertain which Unit was responsible. Maj-Gen TAYAKA stated that it was impossible to tell at a glance what unit a soldier belonged.

It could have been Infantry, it could have been other units. I am of the opinion that, it was probably the latter.

As regards the incident at the Eye Tan Tuk water works. That area, as I have already pointed out, came under the command of the Div. Unit, and any incidents that took place in that area is the responsibility of the Commander of that Unit.

Most of these events are described in the plea of "autrefois acquit" which was submitted by the Defence counsel.

I therefore submit the same plea, that my client, Lieut Gen

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Tolson has no case to answer.

I would like to end by quoting a short passage from Archibald
"It is for the prosecution to prove the accused guilty, it is not for the
accused to prove hi nself innocent".

I therefore submit that Lieut Gen. ITO Tokes is "Not Guilty".

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CASE: LIEUT.-GEN. ITO TAKEO:

EXHIBIT "A"

Smith Ld.
Smith.PROSECUTION'S CLOSING ADDRESS.

The accused before you, Ito Takeo, has been charged with four war crimes having to do with the inhuman treatment of (1) prisoners of war and surrendered personnel resulting in their death and suffering and in the killing and ill-treatment of (2) wounded and sick members of the Allied Forces; (3) of Allied personnel exclusively engaged in the collection, transport and treatment of those wounded and sick and in the administration of medical formations and establishments; and (4) civilian residents of Hongkong. It is alleged that such atrocities were committed by troops under his command and that he is to be held responsible as having been "concerned" therein.

Before we continue I should like to say a word here as to the various categories of victims. Prisoners of war are military personnel who have surrendered and have actually been taken into custody by their captors. On the other hand surrendered personnel applies to be taken captive but who have not actually been taken into custody by their captors. Finally, Allied personnel refers to civilians as well as Military personnel.

I propose for the next stage to outline the evidence of the atrocities before entering into any argument about whether the troops concerned were under the accused or not.

First I will deal with the Tanaka Butai (229th Regt.), one of the infantry regiments under allegedly under the command of the accused. It has been shown that this unit landed in two sections at Shauiwan on the night of December 18/19, 1941. This Butai composed of two battalions and a HQ group had for their ultimate objective a point far to the west of the island called High West. One battalion was to subdue resistance in Shauiwan and vicinity, proceed up the Island Road in the direction of Tytan. The other battalion and HQ were to proceed by Mount Parker and thence to Stanley Gap and Wongneichong to rejoin the other battalion. In essentials the plan was carried out, except that it was found the High West objective could not be reached through the projected route. So the Butai swung south to discover a more possible way. It came to Repulse Bay where it met resistance. Finally, it made its way down the Island Road and eventually attacked Brick Hill, having passed along the coast road skirting Deep Water Bay.

During this particular campaign, the Prosecution alleges that a number of atrocities occurred. In fact if this evidence is to be believed the whole route of the Tanaka Butai was littered with corpses of murdered men, men bound, then bayoneted or shot. These atrocities fall, more or less, into groups, which in all comprise each stage of the campaign.

The first of these stages is the Shauiwan area. There are three episodes here. The first took place almost immediately. A battalion of the Tanaka Butai attacked and captured Lyemun and Sai Wan Fort. The latter were garrisoned by an AA battery who were surprised and taken prisoner. After questioning, they were led forth and all bayoneted. The second was at the Salesian mission. In the early morning of the 19th the medical post situated there was captured. The male personnel, both Military and civilian, were taken into the hills behind and butchered. The women, or some of

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PROSECUTION'S CLOSING ADDRESS - Case: Lt-Gen. ITO TAKEO (cont.):

then, were taken up to Lyemun. The third is the Pryce (Exh.G) incident. Two members of the Canadian Army were bayoneted on the Island Road below Lyemun.

The second episode was confined to the Repulse Bay area. Here a number of soldiers who had surrendered were executed on the grassy slopes of Eucliffe.

The third is a group of atrocities which occurred along the road from Wongneichong Gap to Repulse Bay. It includes the murder of personnel at the "Ridge" and "Overbays", two residences bordering that road. The murder of personnel in another house described is in the affidavits of Dicks (Exh.N) and Hebert (Exh. O); the murder of men along all that road, particularly at the junction of Island and Repulse Bay Road.

Finally there was the story of the finding of the bound bodies of men of the Middlesex Regiment at the Lyon-light abutting Deep Water Bay.

The evidence of the occurrences is overwhelming. In the cases of massacres at Sai Wan, the Salesian Mission and Eucliffe the Court has heard the evidence from survivors and from many affidavits. In respect of the Island and Repulse Bay Road atrocities, the evidence was in the form of sworn affidavits and to a certain extent corroborated by a live witness, Col. Ride (P.W.No.18).

The Prosecution submits that it is beyond all doubt that those atrocities were committed by Tanaka's men. All Prosecution witnesses allege that they were the first Japanese troops in their particular area, who committed them. You heard also Tanaka tell us in this Court that his men were the first in all those areas which I have just enumerated, and on the dates which the various atrocities were alleged to have occurred, given by Prosecution witnesses.

Next, I will deal with the movements of the Shoji (230th Regiment) and the Doi (228th Regiment) Butais, as they were alleged to have been the other two Infantry Regiments under the command of the accused.

The Shoji Butai completed landing operations at a point 600 yards east of North Point by midnight on December 18, 1941. The Butai moved south and one battalion was sent to clear pill boxes on Jardine's Lookout, the operation commencing at 0500 hours on the 19th and then a successful rendezvous was made with the remainder at Wongneichong Gap at 0800 hours. This Butai had been ordered to reach the city of Victoria by way of Wongneichong and Mount Nicholson.

Butai

The Doi Regiment (228th Regiment) landed to the east of the Shoji Butai at North Point and in fact formed the centre of the three regiments.

In connection with this particular area of combat there has been appeared in evidence the story of the wanton killing of POWs in Stanley Gap. This evidence came to you from no less than eight survivors. Four of them appeared in this Court.

There has been evidence of atrocities committed by Japanese troops (1) at the Tytan Tuk pumping station, which involved the wanton killing of two European male civilians; (2) of the rape of European and Chinese nurses at the Jockey Club emergency hospital, Happy Valley; and (3) of the rape of

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PROSECUTION'S CLOSING ADDRESS - Case: Lt-Gen. ITO TAKEO (cont.):

Chinese female civilians and murder of Chinese male civilians at Blue Pool Road; (4) of the killing of British officers and other ranks below the Maryknoll Mission and perhaps the worst story of all - the gross barbarity perpetrated at St Stephen's College emergency hospital in the form of killing of wounded Allied soldiers and the rape and murder of European and Chinese nurses on duty there. After very carefully sifting the evidence in respect of those atrocities committed in the five different places I have just mentioned, the Prosecution feels that there is such a large element of doubt as to which Japanese troops were involved that it can in no way inculcate the accused.

As you have just heard, the Defence maintains that the accused was not in fact in command of the 38th Infantry Unit, comprising the 228th (Doi), the 229th (Tanaka) and the 230th (Shoji) Infantry regiments on the occasion of the assault on Hongkong Island, but merely the commander of the right flank force comprising two battalions of the 228th regiment and two battalions from the 230th Regiment and that Tanaka was in command of his own regiment, less one battalion, which was called the left flank force.

Gen. Shoji told us in his voluntary statement (Exh. CC) that the landing on Hongkong Island was made by the 38th Infantry Unit of the 38th Division, and that it consisted of three regiments - the 228th, 229th and 230th. There was no mention of these units coming under any other separate command than that of the 38th Infantry Group Commander. In fact later on in that same statement, Gen. Shoji goes on to tell us how he sent his regimental adjutant to the GOC of that Infantry Group on the 20th December and that officer (GOC) was called Maj.-Gen. Ito.

When the accused was cross-examined about this he answered that perhaps some people might have called him by that title by mistake (p.164) and that they had become used to call him by that title (p.171). However, you must remember that this statement of Gen. Shoji, that I have just quoted, was made on November 8, 1946, eight years later and not during the battle - and would he call him by that title twice? Continuing in this respect, I ask you to study very carefully the accused's own sworn, entirely voluntary statement (Exh. FF) submitted by the Prosecution. This was made in July, 1947, just after he had arrived in custody in Hongkong. He quite definitely stated that he took part in the assault on Hongkong Island and that at that time he was a major-general and in command of the 38th Infantry section (consisting of the 228th, 229th and 230th regiments). Now, he gives his evidence in Court and tells us a vastly different story. On cross-examination on this point, the accused said (p.184): "I was asked what was my position so I answered. I was the 38th infantry group commander." Then the next question was: "What was the constitution of the 38th Infantry group." "So I said Infantry 228th, 229th and 230th regiments constituted the Infantry Group." The next question asked: "Where were the landing places to be and how were the landing operations carried, so I answered all I knew. At that time I knew nothing about the war crimes trials in Hongkong, or on what topics the trials were being held....."

But when he came to Court he had a different story. He then told us that his designation changed from the 38th Infantry Group commander to right flank force commander when the Divisional order was received before the actual assault on the Island. Such a grave discrepancy cannot be ignored.

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PROSECUTION'S CLOSING ADDRESS - Case: Lt.-Gen. ITO TAKE (cont.):

I should remind the Court that Genl Shoji made his statement in Hongkong eight months before the accused arrived here.

In his efforts to dissociate himself with the movements of the Tanaka unit we received a fairly detailed account of the movements of the other regiments. The accused himself ordered these two units, the 228th (Doi) and 230th (Shoji) to land simultaneously at 2200 hours on December 18, 1941; the 230th on the right, the 228th on the left; west and east of North Point respectively. Each of these regiments were minus one battalion. The accused himself and his HQ landed at 0200 hours on December 19 behind the 228th unit east of North Point. He lost contact with his forward Butais until December 20 when he learned from the regimental adjutant of the 230th regiment that that unit had been engaged in heavy fighting in the Wong-neichong Gap area. Under cross-examination he told us that the first troops to attack Jardine's Lookout from the north were the Shoji Butai. That was early on December 19. At that time he went on to tell us that the Doi unit were to the south but had not reached that point.

Prosecution evidence on the events at Stanley Gap on the afternoon December 19 clearly points to the fact that the troops who perpetrated the atrocities, were the same who had attacked Jardine's Lookout on December 18/19. Zimmerman (P.W. No.4) said that the same troops came down from the Lookout into Stanley Gap on the morning of the 19th (p.23).

It might be argued that the Shoji unit at this time was further west towards Wongneichong Gap. In that case, by this time in the afternoon the Doi unit had reached that point. During the 19th and 20th there has been no evidence that any other troops other than those of the 228th and 230th regiments were in that area. I submit that it was these troops who committed the atrocities both at Stanley Gap on December 19 and on the march back to North Point on the 20th. The accused told us that it was the duty of the front line troops to send back the prisoners to Division for interrogation.

There has been much discussion about the responsibility of an Infantry Group commander both in operational and in non-operational areas. I ask the Court to believe that when the unit was in an operational theatre the group commander was in direct control of that unit and as such issued all orders once the battle was in progress. The accused told us that himself. In this respect it will be noted that the attack on Hongkong Island could not be termed anything else than an operation. I wish you also to consider why the accused moved with a HQ group of 30 personnel, which was the operational strength of an infantry group HQ instead of the usual five; and also the fact that the HQ, which has been called the right flank HQ, failed to make contact with its forward troops until nearly 48 hours after the initial landing. Not so surprising, however, if you believe that in fact this same HQ was administering all three infantry regiments instead of merely two on the right flank.

Whatever course you believe, Gentleman, it is submitted that part, if not all, of the infantry that took part in the assault were under the command of the accused. By all, of course, I refer to the ~~228th, 229th and 230th~~ three regiments, the 228th, 229th and 230th. By part, I refer to the 228th and the 230th regiments. With that firmly in our minds, it is

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PROSECUTION'S CLOSING ADDRESS - Case: Lt.-Gen. ITO TAKEO (cont.):

appropriate here to consider in what way the accused is culpable for the misdeeds of these troops under his command.

Now it is suggested that the existence of an order, or at least of a policy is further borne out by the similarity in what happened at the various places. It appears that at Sai Wan, the Salesian Mission, Eucliffe and Stanley Gap, the men were first questioned and searched and then executed. Bodies were found all along the line of march with their hands tied behind them - at the "Ridge," on the road, at the Lyon-light and along Stanley Gap. There is, in fact, every evidence of a set policy to dispose of prisoners.

Further, there is the remarkable fact that the accused expected no prisoners to be taken, although there were regulations in force about sending prisoners back to Divisional HQ unless, of course, it was deemed expedient to take prisoners.

What, then, is the responsibility of a commander in the field to prevent inhumane treatment of prisoners of war? As I stressed in the opening address, he must take such appropriate measures as are within his power to see that inhumane acts do not occur. Thus, while isolated incidents do occur which are not in the power of a commander to prevent, when the abuses are widespread it argues that properly effective measures have not been taken. There have probably been many arguments and variations on that premise which I have just mentioned, and I consider it necessary here to support it with a portion of the judgment of the United States Supreme Court in the Yamashita case for quotation, well-known, by now, in these courts. If you recall, this case was heard very soon after the cessation of the Pacific war in 1945/6.

(Mr Justice Stone rendering judgment of the Court):

".....The gist of the charge is an unlawful breach of duty by petitioner (that is Yamashita) as an army commander to control the operations of the members of his command by 'permitting them to commit' the extensive and widespread atrocities specified. The question is whether a duty to take such appropriate measures as are within his power to control the troops under his command for the prevention of the specified acts which are violations of the law of war and which are likely to attend the occupation of hostile territory by an uncontrolled soldiery, and whether he may be charged with personal responsibility for his failure to take such measures when violations result....

"It is evident that the conduct of military operations by troops whose excesses are unrestrained by the orders or efforts of their commander would almost certainly result in violations which it is the purpose of the law of war to prevent. Its purpose to protect civilian populations and prisoners of war from brutality would largely be defeated if the commander of an invading army could with impunity neglect to take reasonable measures for their protection. Hence the law of war presupposes that its violation is to be avoided through the control of the operations of war by commanders who are to some extent responsible for their subordinates.

"This is recognized by the Annex to the Fourth Hague Convention of 1907, respecting the laws and customs of war on land. Article One lays down as a condition which an armed

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PROSECUTION'S CLOSING ADDRESS - Case: Lt.-Gen. ITO TAKED (cont.):

force must fulfil in order to be accorded the rights of lawful belligerents, that it 'must be commanded by a person responsible for his subordinates.'

"These conditions plainly imposed.....an affirmative duty to take such measures as were within his power and appropriate in the circumstances to protect prisoners of war and civilian population."

The accused fully realised that his troops were capable of misdeeds. If not, why did he make that speech to his subordinates about troops being careful according to the rules of land warfare (p.155A). He was fully aware of those laws without any doubt. Having been fully aware of these laws what active measures does he take to protect the prisoners of war? I quote page 175.

(Prosecutor reads from transcript).

He told us earlier on that there were staff officers in charge of intelligence at Division who were specially assigned to interrogate the POWs; that it was not the duty of the regiment to question the prisoners. You heard in this Court the former Chief Intelligence Officer at Division HQ, Col Tosaka Susumi (D.W.No.4) clearly state as far as he could remember no prisoners were taken during the whole campaign (p.206). But the accused knew differently. He knew on the 20th December that some had been taken, and even after that he took no steps for their protection. I might remind you, Sir, that it was on December 20 that the prisoners were ill-treated on their way to North Point from Stanley Gap.

I submit, therefore, that whatever orders or speeches were made, warning his subordinates against inhumane treatment of prisoners, and civilians these were insufficient to prevent the killing of many such people by the victorious Japanese troops. Bearing in mind what I have quoted from the law on this subject, it is maintained that he must take really effective measures to prevent breaches of the conventions. He cannot be excused by proving simply that he warned his troops against committing acts in contravention of the conventions. He must show that more constructive measures were taken.

It might be asked what such measures could be. It is pointed out that the effectiveness of any regulation, convention or law corresponds directly to the sanction behind it. In this case surely, the sanction would be the inevitability of punishment in the event of contravention of the instructions. Obviously, punishment for the infractions was not inevitable because, in fact, no punishments were awarded. The measure which could have been taken, therefore, was an assurance of punishment in the event of failure to observe the rules. There can be no doubt that the measure was neither enforced nor so much as threatened.

It is submitted, therefore, that the conclusions are unavoidable. As a responsible commander, the accused is accountable for preventable misdemeanours by troops under his command. The precautions he alleges to have taken were palpably insufficient. He, as a commander, therefore cannot escape the consequences of the acts of his subordinates. He must be found guilty of being concerned in, that is to say, a party to, the killings of POWs, surrendered personnel

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PROSECUTION'S CLOSING ADDRESS - Case: Lt-Gen. ITO TAKEO (concl.):

and medical personnel.

If the Court agrees, it will find Lt-Gen. Ito Takeo was commander of the 38th Infantry group of the 38th Division of the Imperial Japanese Army. It will find that troops under his command committed inhumane acts against POWs and surrendered personnel ~~as~~ consisting of killing some, for instance, at Sai Wan, Salesian Mission and Repulse Bay and Stanley Gap. That is of the first charge. On the same basis, guilty of the third charge which concerned the events at the Salesian Mission.

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Exhibit N/N.

Shimada Lt Col.
President.

WAR CRIMES TRIALS

PARTICULARS OF ACCUSED

NAME: ITO TAKEO. RANK: Lieut. General.
 UNIT: 38th ^{DIV.} ~~Army~~ (Infantry)
 AGE: 59.
 Married or Single: Married. No. of Children: Four (4)
 Next of Kin: Wife - ITO Teruko. address: FUKUOKA ^{village data} ~~pref.~~, MONAKATA ~~county~~, KAMISAI-90
 Occupation before joining Imperial Japanese Army: Student.
 Length of Service in Imperial Japanese Army: Thirty Nine years.
 from 1908 to 1947
 Positions held in Imperial Japanese Army:
 Military College. from 1909 to 1911
 2nd Lieutenant 14th Infantry Regt. December 1912.
 Lieutenant. December 1914.
 Captain 14th Infantry Regt. O.C. Company. December 1921.
 Adjutant - Formosa Garrison H.Q. August 1923.
 44th Infantry Regt. attached. August 1926.
 Kumamoto Army Training School O.C. Company. July 1927.
 Major - 74th Inf. Regt. O.C. Battalion August 1929
 63rd Inf. Regt. Staff. August 1931.
 Lt/Col. 21st Infantry Attached. August 1933.
 13th Infantry Staff. August 1934.
 No. 6 Division H.Q. Attached. December 1935.
 Colonel. August 1937.
 O.C. No. 1, Sec. No. 8 the Border Garrison. February 1938.
 Independent Mix. No. 9, Brigade HQ. Attached. March 1940.
 C.O. No. 114, Infantry Regt. August 1940.
 Major General C.O. No. 38, Infantry Army. August 1941.
 C.O. Independent Mix Infantry Brigade. July 1944.
 Lieutenant General. October 1944.
 Surrender. August 1945.

period of detention as a J.S.P.
 2 May 46 - 2 Feb 1947 - RABAU, ~~Manchuria~~
 9 May 47 - 28 May 1947 - SUGANO ~~prison~~,
 TOKYO
 30 May 47 - present date - STANLEY ~~prison~~
 HONG KONG

Major, R.A.
 Officer i/c War Crimes Investigation
 Team Authorised By C-in-C, Allied Land
 Forces, South East Asia to obtain
 Records of War Criminals.

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I.J.A.

Hong Kong.

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